

# LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 2020

WEDNESDAY, MARCH 27, 2019

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 3:00 p.m., in room SD-124, Dirksen Senate Office Building, Hon. Cindy Hyde-Smith (Chairman) presiding.

Present: Senators Hyde-Smith, Lankford, Murphy, and Van Hollen.

## LIBRARY OF CONGRESS AND ARCHITECT OF THE CAPITOL

### OPENING STATEMENT OF SENATOR CINDY HYDE-SMITH

Senator HYDE-SMITH. Good afternoon. The subcommittee will come to order. I'd like to welcome everyone to the first of our fiscal year 2020 budget hearings for the Legislative Branch Appropriations Subcommittee. It is also my first hearing as Chairman of this subcommittee. I'm grateful to have the opportunity, and I'm very grateful that my Mississippi architects came to this first meeting. Thank you for being here. I look forward to working with my Ranking Member, Senator Murphy, and the distinguished Members of this subcommittee in crafting responsible funding legislation that supports the entire legislative branch of government.

Today we have with us the Honorable Carla Hayden, Librarian of Congress, and Christine Merdon, Acting Architect of the Capitol. I appreciate your willingness to appear before the subcommittee today, and I certainly look forward to hearing your testimony. I'd also like to thank both of you for taking the time to meet with me before the hearings and giving me that great introduction to your agencies.

Dr. Hayden, it was a pleasure to visit with you and to see some of the treasures that the Library keeps as part of our Nation's collection. And I especially enjoyed reading the draft report by Clarence Kerns, of the Federal Writers Project, describing agriculture on the Mississippi Gulf Coast in the 1930s. So thank you for sharing that special information with me.

And, Ms. Merdon, I appreciate the time we had together in my office discussing the Architect of the Capitol's jurisdiction, and I'm very pleased to learn that you have some Mississippi State University architect grads working on the AOC Planning and Project Management Division and the Senate Office Buildings jurisdiction.

I also want to thank your team for their help in my recent office move. We greatly appreciate the hard work, and it sure went smoothly. It was amazing just what a system that you have. It was really good and almost painless.

Before we discuss the specific details of your requests, I would like to touch on the overall outlook of the fiscal year 2020. Under current law, and absent a new budget agreement, we are looking at significant decreases to discretionary spending across the government. We must be responsible and thoughtful in how we allocate funding.

We begin this year's appropriations process not knowing what kind of increases we will be able to accommodate, which makes it even more important that we fully understand each of your agency's greatest needs.

This year, the total budget request for the Library of Congress is \$803 million, which is comprised of offsetting collections and an appropriation of \$747 million. This represents an increase in appropriations of \$51 million, or 7.3 percent, above the fiscal year 2019 enacted levels. This funding level will support continued investment in IT modernization, funding for Congress.gov improvements, and an additional investment in the Library's plan for an enhanced visitors experience at the Thomas Jefferson Building.

The AOC request for fiscal year 2020 totals \$832 million, an increase of \$98 million, or 13.3 percent, above the fiscal year 2019 enacted levels. This increase is requested for capital projects across the campus, as well as a \$24 million increase in the Capital Construction and Operations jurisdiction for project management support, IT services, and cybersecurity investments.

I look forward to hearing more about these requests and having a productive discussion today.

Now I will turn to my Ranking Member, Senator Murphy, for any remarks that he would like to make.

#### STATEMENT OF SENATOR CHRISTOPHER MURPHY

Senator MURPHY. Well, thank you very much, Senator Hyde-Smith. Welcome to the subcommittee. We are really excited, I think, to do great work together. This is a subcommittee in which we have always found it relatively easy to find a bipartisan balance and bipartisan wellspring of support for the great work that our agencies who labor here with us and around the Capitol.

I do note the presence of a former Chairman of the subcommittee, Senator Lankford, here with us as well.

So we're really looking forward to both of your testimonies.

Dr. Hayden, you know, the Library is often called one of Washington's hidden gems. It shouldn't be. It should be as easily accessible and knowable as all of the other landmarks. And I'm excited that you remain committed to that project of opening up the Library of Congress to others. We provided a \$10 million downpayment in the fiscal year 2018 omnibus to kick off planning for this new Visitors Experience, and I'm interested today to get an update on the Master Plan and to answer some questions about projected costs.

Ms. Merdon, thanks for taking the time to sit down with me. We note the growing backlog that continues to exist and persist inside

the Architect of the Capitol, \$1.5 billion. This does not come without costs and risks and threats to the people that work on this campus. And so we need to continue to attack it. And I'd love to hear from you today about how we balance between the preservation of our historic Capitol and then legitimate security needs that we have here.

And then I'll also ask you at least one question regarding how the AOC manages its Construction Division's workforce and workload. As you know, Senator Klobuchar and I sent a letter to you recently about the layoff of about 30 staff people, and we want to make sure that we are managing staff in a way that avoids unnecessary layoffs as much as possible.

Finally, I just join in Senator Hyde-Smith's caution about the path moving forward. We're talking about a 9-percent cut to your budgets if we don't come to a new agreement. And it doesn't do anybody any good for us to wait until the last minute to get that done, in part because you are both engaged in long-term planning projects. And so this constant peril of not knowing how much you are going to get is just an absolutely miserable way to run two organizations that are heavily dependent on long-term capital budgets, and hopefully we can avoid that situation for you once again.

I look forward to your testimony.

Senator HYDE-SMITH. Thank you, Senator Murphy.

And, Senator Lankford, so glad to have you. Would you like to make any opening comments?

Senator LANKFORD. Not today. Thank you.

Senator HYDE-SMITH. Okay.

I will now ask our witnesses, beginning with Dr. Hayden, to give a brief opening statement of approximately 5 minutes to allow adequate time for questions. The written testimony of each witness will be printed in full in the hearing record.

Dr. Hayden, the floor is yours.

**STATEMENT OF THE HON. CARLA D. HAYDEN, LIBRARIAN OF CONGRESS**

Dr. HAYDEN. Well, thank you, Madam Chairman, Ranking Member Murphy, and Senator Lankford. This is a wonderful opportunity to provide testimony on the Library's fiscal year 2020 budget.

I am now in my third year as Librarian of Congress, and I'm encouraged by the advancements we've made in sharing more of the Library's extraordinary collections and our staff's expertise, and our commitment to public service.

Today, the Library holds more than 170 million items in all formats and languages, and has the world's largest collections of legal materials, films, and sound recordings. And last year, the Library welcomed nearly 1.9 million in-person visitors. The Congressional Research Service provided custom services to nearly 100 percent of Senate and House Member offices and standing committees, more than 450,000 claims were registered by the U.S. Copyright Office, and nearly 10 million preservation actions were performed on the physical collections. Over 20.9 million copies of braille and recorded books and magazines were circulated. The Library responded to over 1 million reference requests from Congress, the public, and

Federal agencies. And the Library's websites received 100 million visitors and 500 million page views. And in the past year, we have also completed organizational changes that streamlined our functions and supported a user-centered direction.

And today I would like to formally announce the appointment of Karyn Temple to serve as the 13th United States Register of Copyrights. Ms. Temple, who is here today, has performed an excellent job as Acting Register for the last 2½ years. She has leveraged her skills as both a copyright lawyer and accomplished manager to provide exceptional leadership for the Copyright Office. Members of Congress urged me to move forward with her permanent appointment to lead the Copyright Office. So with strong support from Congress and copyright stakeholders, I am pleased that Ms. Temple has accepted her appointment as a permanent Register.

I also greatly appreciate the support you gave in the 2019 funding bill to meet high-priority needs, such as strengthening CRS staffing, restoration of copyright examiner workforce, support for hosting the legislative branch financial management system, hiring librarians and archivists to address a backlog in processing special collections, and much more. And so today, I am before you to ask for your consideration of our fiscal year 2020 request.

In October, we launched a 2019 to 2023 Strategic Plan with four goals: expand access, enhance services, optimize resources, and measure impact. And the Library produced its first digital strategy, which complements the Strategic Plan and was recently released to guide the Library's digital transformation.

The Library of Congress budget request for 2020 is for approximately \$803 million, and it includes \$26 million in mandatory pay and price level increases. And the balance of the increase represents critical program investments necessary to fulfill the Library's role and to move forward.

Bringing the Nation's collections and histories out of the vaults and into the public spaces through a unique public-private partnership to enhance the visitor experience in the Thomas Jefferson Building remains a key avenue to expanding our access. We recently provided Congress with an update of our work to date—visuals are here today—on the Visitor Experience Master Plan, which envisions revitalizing exhibit spaces, creating an activities area for young people and lifelong learners and also having a welcoming orientation space where visitors can see Thomas Jefferson's Library as the foundation of the Library of Congress and look up into the inspiring Main Reading Room.

Information technology requests continue with our modernization begun in fiscal year 2018, and that includes hybrid hosting; robust wireless networks; and enhanced network capabilities; also funding for Congress.gov, the official website for legislative data; and also funding to support the modernization of the National Library for Services for the Blind and Physically Handicapped. Our request also includes funding to optimize the policies, processes, tools, and staff capacity of the Financial Services Directorate vital to the Library, but also the entire legislative branch.

And so, in closing, modernization and optimization, not only of our IT systems, but of the experiences visitors have when they

come to the Library in person and digitally are critical to moving the Library forward.

I look forward to your questions.  
[The statements follow:]

PREPARED STATEMENT OF HON. CARLA D. HAYDEN

Madam Chairman, Ranking Member Murphy, and Members of the subcommittee:

Thank you for the opportunity to provide testimony in support of the Library's fiscal year 2020 budget.

Now in my third year as Librarian of Congress, I am encouraged by the advancements we have made in sharing more of the Library's extraordinary collections and our staff's expertise and commitment to public service. Today, the Library holds nearly 170 million items in all formats and languages and has the world's largest collections of legal materials, films, and sound recordings. Last year, the Library welcomed nearly 1.9 million in-person visitors. The Congressional Research Service (CRS) provided custom services to nearly 100 percent of Senate and House member offices and standing committees. More than 450 thousand claims were registered by the U.S. Copyright Office. Nearly 10 million preservation actions were performed on the physical collections; over 20.9 million copies of braille and recorded books and magazines were circulated to more than 470,000 blind and physically handicapped accounts; and the Library responded to over 1 million reference requests from the Congress, the public, and other Federal agencies. The Library's web sites, including [loc.gov](http://loc.gov), [congress.gov](http://congress.gov), [copyright.gov](http://copyright.gov), and the CRS site, among others, received 110 million visitors and 503.1 million page views.

Over the past year, we have moved forward in significant ways to increase access to the Congress's library. We created a Digital Strategy Office within the Office of the Chief Information Officer to partner with service units to incubate innovative digital projects. The new office has already launched a successful crowdsourcing project, "By the People," which allows public contributions to and interactions with the digital collections in new ways while at the same time helping the Library make data more discoverable. A new, state-of-the-art case was installed to conserve and securely display the treasured Gutenberg Bible. We launched [crsreports.congress.gov](http://crsreports.congress.gov) to provide the public with access to non-confidential research products produced by CRS for the Congress. The Law Library digitized 23,522 pages of National Transportation Safety Board case findings to be available in fiscal year 2019. New collections have been made available online, among them the papers of President Theodore Roosevelt and Benjamin Franklin.

I would like to express my sincere gratitude for the outstanding support that this committee and the entire Congress gives to the Library. In particular, I appreciate the support you have provided us for our fiscal year 2019 requests to meet high-priority needs such as strengthening CRS staffing in high demand areas, restoration of the Copyright examiner workforce, support for the increased hosting costs of the Legislative Branch Financial Management System, librarians and archivists to address the backlog in processing the special collections, and much more.

Your strong support for staffing resources allows us to better handle critical work and to begin replacing specialized staff expertise that was developed over many years and lost—principally to retirement—and not replaced due to budget limitations. I also thank you for your continued extraordinary support for the Library's collection storage modules program at Ft. Meade as part of the Architect of the Capitol's budget.

I come before you today to discuss the Library's funding request for fiscal year 2020 which continues and expands necessary modernization initiatives to include optimization efforts.

In October, we launched the Fiscal Year 2019–2023 Strategic Plan with four strategic goals: Expand access, expand services, optimize resources, and measure impact. Our direction forward calls for a decisive shift to become more user centered, digitally enabled, and data driven. The first Digital Strategy, which complements the Fiscal Year 2019–2023 Strategic Plan, was recently released to provide a bold vision to guide the Library's digital transformation over the next 5 years.

We completed organizational changes that streamline functions and support the user centered direction. The former National and International Outreach service unit was reconstituted as two units, the Center for Learning, Literacy and Engagement and the Center for Exhibits and Interpretation, both with dynamic new directors. Whereas National and International Outreach was itself a service unit, the centers are located organizationally under the Office of the Librarian so that they are able to pull resources together from across the Library. The largest part of the

Library was also realigned to become the Library Collections and Services Group, which now includes the Law Library, Library Services, and the National Library for the Blind and Physically Handicapped (NLS). All of these changes directly support public engagement with the Library's resources and services.

With significant congressional support, IT centralization is in its final phase with staff and funding transfers from CRS, Copyright, and NLS to the Office of the Chief Information Officer (OCIO). The Copyright Office is aggressively pursuing comprehensive modernization of its IT systems. With a solid, stabilized IT infrastructure close to realization, the Library is transitioning through the data center initiative from its restricted legacy hosting facility on Capitol Hill to a hybrid hosting infrastructure with enhanced security that is capable of accommodating greatly increased digital engagement.

I am confident that we have a strong organizational structure and a robust strategic planning process internally in place to lead the Library into the future. I now ask for your assistance in helping us take the additional steps we need with an increase in funding for critical initiatives.

The Library of Congress fiscal year 2020 budget request is for approximately \$803 million, which represents a 6.8 percent increase over the Library's fiscal year 2019 enacted appropriation. This request includes \$26 million in mandatory pay and price level increases. The balance of the increase represents critical program investments necessary to fulfill the Library's role and to move forward on the commitment to be more user centered.

The top two goals in the new strategic plan, expanded access and enhanced services, aim to make the Library's unique collections, experts, and services available when, where, and how users need them.

Bringing the Nation's collections and history out of the vaults and into public spaces through a public/private partnership to create the Visitor Experience remains a key avenue to greater access for all who visit. Over the past year we accelerated our planning for an enhanced visitor experience in the Thomas Jefferson Building. As part of the Master Plan, the Library is developing a resource plan to serve as the roadmap for a private fundraising initiative. A request for the design, fabrication and installation of a Treasures Exhibit Gallery, a Youth Center and Lab spaces, and staffing for 3 years will begin to realize the promise of the Visitor Experience initiative, elevating it to a level unmatched among peer institutions in Washington, DC.

Since my confirmation, my goal as Librarian has been to expand users' access to the Library both on site and online. When it comes to our onsite efforts, my top priority is to help visitors become lifelong users. In early 2018, I presented to the Congress an opportunity to enhance the visitor experience of the Thomas Jefferson Building.

I appreciate that Congress committed to a public-private partnership to provide \$60 million for this project—\$40 million in appropriated funds to be matched by \$20 million in private funds raised by the Library. The Library of Congress Madison Council Chairman has offered to lead private fundraising for the Visitor Experience. The Library has received \$11 million in verbal commitments and is working with a contractor to develop a capital campaign to raise the rest. I am grateful as well for congressional approval of \$10 million in fiscal year 2018, \$2 million of which was to be used immediately to contract with a professional firm to create a Master Plan from the design concepts shared with the Congress.

We recently provided Congress a first "look in" to the Master Plan, which confirms that the Library can accomplish broadly within the \$60 million budget what we envisioned during the design concept phase last year. We anticipate revitalizing exhibit spaces, creating an activities area for youth, and having a welcoming orientation space where constituents and visitors will see Jefferson's Library as the foundation of the Library, and look up through an oculus to the magnificent Main Reading Room.

The majority of changes entail movement and deconstruction of 25-year-old exhibit cases and related materials and installation of new state of the art, secure and climate-controlled glass and steel exhibit cases. We have confirmed that building modifications for the oculus constitute light construction. We appreciate that from the inception of the project, both the Architect of the Capitol and U.S. Capitol Police have provided advice, feedback, and recommendations as we contemplated options with our professional design firm.

As this is your Library, we want your constituents and visitors to have a better experience. With so many visiting school groups, we want them to leave more knowledgeable about the history of our country, have a better understanding of democracy in action, appreciate what it means to be a good citizen, and know the origins of the Library which is also the Congress' story. We also want visitors to leave

motivated to learn more about our country and its cultural patrimony. I look forward to continuing to keep you informed about our progress on this project to showcase the unparalleled nature of the Library's collection.

We are also seeking to enhance user access online through funding for congress.gov, the official web site for legislative data, to support high-priority, congressionally requested enhancements such as a mobile app, continuous development of the system, and the full retirement of the legacy Legislative Information System. Funding to support modernization of the NLS braille and talking books programs through digital delivery to braille eReaders, and by creating a cloud-based, scalable infrastructure for Internet delivery of talking and braille books, will position NLS to serve a far larger patron base.

The Library's third strategic goal, optimize resources, expands modernization to encompass strengthening of our internal capacity and infrastructure in several critical areas. Our request to optimize the policies, processes, tools, and staff capacity and capability of the Financial Services Directorate (FSD) is vital to the Library. FSD needs a modernized skill base in data analytics, internal controls, budget, policy, and financial reporting to meet financial management methods and requirements that are continually evolving, integrating, and expanding. Because FSD's non-pay resources support the highly visible, mission-critical Legislative Branch Financial Management System, FSD has been challenged to fund needed improvements and acquire a new set of capabilities for the future as systems are modernized, processes are further automated, and the work shifts from transactional to analytical. FSD must also reconstitute the corporate knowledge that has been or shortly will be lost to retirement.

Information technology optimization requests continue the network modernization begun in fiscal year 2018 by supporting operation and sustainment activities including hybrid hosting, a robust user wireless network, a staff wireless capability to the Library's campus network leveraging state-of-the-industry infrastructure to facilitate improved collaboration, and an enhanced metropolitan area network and wide area network capabilities. The request also provides the Library with a more secure operating environment using the Zero Trust Security model and establishes a Virtual Network Operations Center that will allow 24/7/365 monitoring. Optimization is also necessary to automate and streamline the manual process the Library currently uses to perform personnel security functions, and to implement Enterprise Customer Relationship Management (CRM), an approach to managing an organization's interaction with current and future customers with a focus on improving business relationships.

Our fourth and final strategic goal, measure impact, uses data to measure the Library's impact on the world around us and share a powerful story. Our request establishes a robust data and analytics capability, through a centralized data analytics group, with processes, methodologies, and subject matter expertise needed to consistently and strategically identify, capture, analyze, and make decisions on data from its users' needs and quality of experiences, in alignment with the Library's new strategic plan.

In closing, modernization and optimization—not only of IT systems, but of the experience visitors have when they come to the Library, the competencies needed in a modernized, more automated environment, braille and talking book delivery mechanisms, and capacity in data and analytics—are critical to moving the Library forward into the future. The fiscal year 2020 budget request furthers the modernization efforts of recent budget requests and targets critical workforce needs.

Madam Chairman, Ranking Member Murphy, and Members of the subcommittee, the Library is the embodiment of the American ideal of a knowledge-based democracy. I thank you again for supporting the Library of Congress and for your consideration of our fiscal year 2020 request.

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PREPARED STATEMENT OF KARYN A. TEMPLE, ACTING UNITED STATES REGISTER OF  
COPYRIGHTS

Madam Chairman, Ranking Member Murphy, and Members of the subcommittee,

Thank you for the opportunity to submit the United States Copyright Office's fiscal year 2020 budget request.

As the Supreme Court has recognized, copyright is the very "engine of free expression."<sup>1</sup> The U.S. copyright framework provides a balanced set of protections and exceptions to facilitate the country's economic and cultural growth, resulting in an extremely diverse cultural heritage and flourishing creative and technology sectors for

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<sup>1</sup>*Harper & Row Publishers, Inc. v. Nation Enters.*, 471 U.S. 539, 558 (1985).

the benefit of the American people. In 2017, the core copyright industries added more than \$1.3 trillion to the U.S. GDP, accounted for 6.85 percent of the U.S. economy, and employed 3.85 percent of the U.S. workforce.<sup>2</sup> These impressive contributions are made by individual creators and businesses working in a wide variety of fields, including software, movies, music, books and journals, visual arts, and more.

The Copyright Office plays a critical role in this ecosystem. The Office is the only Federal entity charged by statute with administering the Nation’s copyright laws. The Office also promotes creativity and free expression by offering educational and outreach programs on copyright as well as impartial, expert advice on copyright law and policy, for the benefit of all. A key component of the Office’s work is to examine claims for copyright to determine whether to register them, and to record changes in ownership in those claims. In fiscal year 2018, the Office received more than 540,000 new claims for copyright, registered 560,000 claims covering millions of works, and recorded over 21,000 documents regarding copyright ownership. This represents a tremendous public record of the Nation’s creativity that enables copyright owners to pursue claims in court and provides the public with new access to ownership information.

Registration and recordation are, however, just two of the Copyright Office’s important duties. The Office also has a central role in administering statutory licenses to use certain copyrighted works, managing over a billion dollars in royalties in fiscal year 2018 alone. The Office provides key support to the public on copyright issues, handling almost 200,000 public inquiries by phone, email, and in person. And the Office continues to handle the Copyright Act’s mandatory deposit requirement that provides the Library of Congress with an impressive number of published works for its collection, which in fiscal year 2018 included more than 735,000 published works worth over \$47.5 million.

The Copyright Office also serves as a primary advisor to Congress, with a long-standing history of providing expert analysis on all copyright policy matters since its creation.<sup>3</sup> In 2018, the Copyright Office continued this work by providing extensive assistance on copyright legislation, including the landmark Orrin G. Hatch-Bob Goodlatte Music Modernization Act (“MMA”) and the Marrakesh Treaty Implementation Act. The Office’s important work on the Music Modernization Act was lauded by Congress, which emphasized that the Office “has the knowledge and expertise regarding music licensing through its past rulemakings and recent assistance to the Committee during the drafting of this legislation”<sup>4</sup> to lead the historic law’s subsequent implementation. The Office also advised on a variety of other copyright matters, including by providing a detailed analysis on the legal landscape of copyright as it relates to visual artists<sup>5</sup> and continuing policy studies on the section 512 notice-and-takedown regime and moral rights.

The Copyright Office also is charged with a number of additional legal and regulatory responsibilities. For example, in 2018, the Office completed several rulemaking proceedings, including the seventh triennial section 1201 rulemaking process that provides exemptions to the law’s prohibitions on anticircumvention of certain technological protection measures. The Office’s section 1201 recommendations, which were based on the Office’s updated and streamlined 1201 process, were widely praised in diverse areas of the copyright community. And the Office worked with the executive branch and the courts on a number of high-profile matters, including several Supreme Court litigations and international treaties.

At the same time, the Copyright Office has dedicated significant resources and attention to modernization. Now more than ever, the Office recognizes the need to ensure that copyright owners and users have a robust, user-centered, and highly efficient system that will support prompt action on applications for registration and the development of a comprehensive record of ownership data.<sup>6</sup> Based on 2017’s *Modi-*

<sup>2</sup>INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE, COPYRIGHT INDUSTRIES IN THE U.S. ECONOMY: THE 2018 REPORT at 3 (2018).

<sup>3</sup>See, e.g., H.R. REP. NO. 105-796, at 77-78 (1998) (Conf. Rep.) (directing the Office to continue its “longstanding role as advisor to Congress” by, among other things, providing “testimony [on] pending legislation,” conducting “studies [that] have often included specific policy recommendations,” and responding to “specific requests by Committees for studies and recommendations on subjects within the Copyright Office’s area of competence”).

<sup>4</sup>H.R. REP. NO. 115-651, at 14 (2018).

<sup>5</sup>See Letter from Acting Register Karyn Temple to Senate Judiciary Committee and House Judiciary Committee, Copyright and Visual Works: The Legal Landscape of Opportunities and Challenges (Jan. 18, 2019); Senate letter available at <https://www.copyright.gov/policy/visualworks/senate-letter.pdf>.

<sup>6</sup>See *Fourth Estate Pub. Benefit Corp. v. Wall-Street.com, LLC*, —U.S.—, 2019 WL 1005829 (2019) (confirming that copyright owners can only institute copyright suits after the Copyright Office has acted on their copyright applications).

modified U.S. Copyright Office Provisional IT Modernization Plan: Analysis of Shared Services, Support Requirements, and Modernization Efforts (“Modified IT Plan”),<sup>7</sup> in January 2018, the Office created the Copyright Modernization Office (“CMO”), which is tasked with closely analyzing the Office’s modernization needs. The Office also worked with the Library of Congress’ Office of the Chief Information Officer (“OCIO”) to begin the process of identifying both internal and external goals for a new system, and how to best move forward. For example, in 2018 the Office and the OCIO began joint design work to create public interfaces for the Office’s forthcoming modernized applications (in conjunction with internal analysis of business requirements for potential substantive regulatory or practice changes). To help the public understand the process and planned timeline, the Office established a dedicated webpage and initiated a bimonthly webinar series to inform the public and highlight progress; staff members also conducted a number of presentations. While still at the beginning stages of IT modernization, the Office is excited to continue this essential work.

The Office’s focus on modernization, however, does not encompass only information technology. Over the past year, the Office began several important initiatives to modernize its work flow and processes, and to continue to reduce processing times. The Office conducted a comprehensive review of older applications (those pending more than 1 year) to determine the basis for the processing delay and to follow up with applicants if the Office still required further information to determine whether to register a work. To date, the Office has reduced the number of these claims by 74 percent.

Additionally, the Office has explored a number of other ways to improve efficiency and processing times. For example, in 2017, the Office assembled a working group to review pendency times that included representatives from throughout the Office to develop recommendations for improvements. In 2018, the Office also formally re-evaluated its training program for onboarding new registration examiners to identify ways to more quickly complete training. This evaluation included a working group with a cross-section of staff from each division of the Registration Program who identified efficiencies to shorten the previous year-long training program to 6 months, enabling examiners to more quickly begin fully participating in the application review process. The Office also engaged the Smithsonian Organization and Audience Research (“SOAR”) to review registration workflow and processes and provided recommendations. At the same time, the Office enhanced training initiatives to address more complex issues so that less correspondence with applicants is required. And, in the past two budget cycles, the Office requested additional examiner resources (15 examiners in fiscal year 2018 and 15 examiners in fiscal year 2019). These important steps have yielded a significant positive effect on the Office’s processing times and number of pending claims. In the past year, the Office reduced its workable claims by 46 percent and has seen a sharp drop in the processing time for pending registration applications. The Office also continued to focus on streamlining registration practices to make the process more efficient, and in the past 2 years alone has initiated or closed 17 rulemakings to modernize its regulatory practices, resulting in updated regulations regarding filing fees, deposit requirements, and registration policies. Rulemakings on topics as diverse as short online literary works and architectural works are pending public comment.

The Office performs all of this important work on a relatively modest budget. As the Supreme Court noted just this month, changes in funding have real-world effects on the copyright community, and resulting processing delays can be “attributable, in large measure, to staffing and budgetary shortages that Congress can alleviate, but courts cannot cure.”<sup>8</sup> With the loss of certain fees resulting from passage of the MMA,<sup>9</sup> combined with the new statutory requirement for the Office to provide outreach pursuant to that legislation,<sup>10</sup> the Office must undertake greater responsibilities with fewer resources. The Office is reviewing its overall funding and activities to make the best use of its resources.

The Copyright Office is honored to serve the country and the copyright ecosystem. Building on almost 150 years of experience, the Office is dedicated to advancing the “engine of free expression” and working with the public and other governmental ac-

<sup>7</sup> U.S. COPYRIGHT OFFICE, MODIFIED U.S. COPYRIGHT OFFICE PROVISIONAL IT MODERNIZATION PLAN: ANALYSIS OF SHARED SERVICES, SUPPORT REQUIREMENTS, AND MODERNIZATION EFFORTS (2017), available at <https://www.copyright.gov/reports/itplan/modified-modernization-plan.pdf>.

<sup>8</sup> *Fourth Estate*, —U.S.—, 2019 WL 1005829, at \*7.

<sup>9</sup> The MMA eliminated the need for certain Notices of Intent for certain mechanical licenses under section 115 of the Copyright Act. This change will reduce the Office’s incoming fees by a not insignificant amount.

<sup>10</sup> MMA, H.R. 1551, 115th Cong. tit. I, § 102(e) (2018) (mandating that the “Register of Copyrights shall engage in public outreach and educational activities”).

tors. The Office is grateful for this opportunity to present a budget request that would enable this important work to continue in fiscal year 2020.

#### FUNDING AND OVERALL FISCAL YEAR 2020 BUDGET REQUEST

The Copyright Office greatly appreciates the Committee’s support in fiscal year 2019 for its priority initiatives, which include fulfilling the *Modified IT Plan* goals, providing the public with online access to historical copyright records, and reducing registration and recordation processing times. Those initiatives are now fully underway, and the Office is pleased to report on a number of accomplishments as part of this fiscal year 2020 budget request. As the fiscal year 2019 enacted budgets included recurring annual funding for several of these initiatives, the Copyright Office fiscal year 2020 request includes only the mandatory pay-related and price level adjustments necessary to maintain the same level of funding support to continue the progress underway. The request also includes a funding transfer request, which will provide the OCIO with funding to support IT resources transferred from the Copyright Office to the OCIO as part of the Library’s shared IT services initiatives.

The Copyright Office’s overall budget is composed of three separate budgets or program areas: (1) *Basic Budget*, which funds most of the Office’s core operations, including the majority of payroll-related expenses. Historically the basic budget has been provided through a combination of appropriated dollars and authority to spend fee revenue, with fees constituting a majority of this funding (generally in the range of 50 percent to 67 percent); (2) *Licensing Budget*, which is derived completely from licensing royalty collections otherwise payable to copyright owners and filing fees paid by cable and satellite licensees pursuant to statutory licenses administered by the Office; and (3) *Copyright Royalty Judges Budget*, which funds the Copyright Royalty Board (“CRB”)—although the CRB is not a part of the Office, the Office administers its budget on behalf of the Library of Congress.

For fiscal year 2020, the Copyright Office requests a combined total of \$92.9 million in funding and 429 FTEs, of which \$49.7 million would be funded through offsetting collections of fees collected in fiscal year 2020 and in prior years.

The Office’s fiscal year 2020 requests are:

- Basic Budget*: \$85.1 million and 400 FTEs. The request includes mandatory pay-related and price level increases of \$2.3 million. The request also includes a transfer of \$2.7 million to fund the Library’s OCIO for IT resources transferred to them as part of the Library’s shared services initiatives, and a reduction in the amount of \$0.3 million for non-recurring costs associated with the Office’s warehouse inventory. The fiscal year 2020 budget request requests funding for its Basic Budget from \$43.2 million in offsetting fee collections (51 percent) and \$41.9 million (49 percent) in appropriated dollars.
- Licensing Division Budget*: \$5.95 million and 23 FTEs, all of which is funded via fees and royalties. The requested increase includes mandatory pay-related and price level increases of \$0.2 million.
- Copyright Royalty Judges Budget*: \$1.9 million and six FTEs, with \$0.07 million to support mandatory pay-related and price level increases. \$0.5 million (for non-personnel-related expenses) of the total request is offset by royalties. The remainder, \$1.4 million in appropriated dollars, is to cover the personnel-related expenses of the judges and their staff.

#### FOCUS OF FISCAL YEAR 2020 ACTIVITIES

The Copyright Office’s fiscal year 2020 funding request provides resources necessary to continue the progress already started towards the Office’s strategic goals, which include: (1) modernization of the Office’s IT systems and applications, including the Office’s historical records initiative, and (2) modernization of the Office’s business environment and practices so that the Office’s core registration and recordation services are delivered as efficiently as possible.

##### *Copyright IT Modernization*

Modernization of the Copyright Office’s aging information technology systems and applications continues to be the Office’s top priority. As directed by the Committee, the Copyright Office has engaged in extensive collaboration with the Library’s OCIO “to achieve efficiencies in shared services, while allowing for mission-specific modernization to be the responsibility of the Copyright Office.”<sup>11</sup> With the 5-year recurring funding provided in fiscal year 2019 through the support of the Committee, the Office and the Library’s OCIO have partnered to facilitate work associated with the

<sup>11</sup>S. REP. NO. 115–274, at 43 (2018) available at <https://www.congress.gov/115/crpt/srpt274/CRPT-115srpt274.pdf>.

Office's envisioned Enterprise Copyright System ("ECS"), which will integrate data across the Office's core services for registration, recordation, and statutory licensing.

While the Copyright Office is working to determine its needs from a non-technical standpoint, the Library has a centralized IT model, with all responsibility for technical IT and agile training services consolidated within the OCIO. Thus, the Copyright Office has transferred the bulk of the fiscal year 2019 funding to OCIO through an intra-agency agreement so that OCIO can continue to maintain Library-wide responsibility for administering the activities and contracts associated with those services.

The Copyright Office wants to assure the Committee that it has taken seriously the request to investigate innovative contracting methods, including possible no-cost contracting solutions for modernization. The Office coordinated with the OCIO, issuing a public Request for Information ("RFI") in May 2018 that asked for comments on creative solutions, including possible no-cost options, for the development of a next-generation ECS. To further facilitate efforts to reduce risk associated with IT contracts for a project of this scope, the Office consulted with the General Services Administration ("GSA") 18F, the office within GSA that provides expertise to Federal agencies in planning successful IT projects. 18F provided the Office with input on the RFI, best practices in contracting for agile projects, and on the Copyright Office's preparedness for facilitating agile teaming. As a follow-on to the RFI and the 18F engagement, the Office and the OCIO are currently working with GSA to leverage their IT contracting experts for future modernization contracting activities, and plan to have GSA coordinate new public requests for proposals for the development of the ECS.

Against this backdrop, and with the Committee's support, the Office has made important progress on modernization activities. Following is a summary of successes already achieved and progress underway:

#### *Public Outreach*

The Copyright Office recognizes the interest and investment that the copyright community has in the success of the Office's IT modernization, and the Office is committed to a robust program of communication, outreach, and transparent reporting for the Office's modernization activities.

Beginning in fiscal year 2018 and continuing into fiscal year 2019, the Office conducted extensive public outreach with the OCIO and a digital User Interface/User Experience (UI/UX) contractor to begin to design the public interfaces relating to recordation functions and registration applications within the ECS. The Office visited four cities (Washington, D.C., New York, Los Angeles, and Nashville), conducting 68 in-depth interviews with copyright registration and recordation applicants and other public stakeholders to gain an understanding of end-user needs for the registration and recordation systems. The Office also conducted an extensive online survey, receiving over 10,000 responses. Using this public feedback, the UI/UX contractor developed preliminary wireframes of the new systems that will allow the Office to conduct ongoing user testing and further refine the user interfaces.

The Office established a dedicated public webpage for modernization efforts located at [copyright.gov/copyright-modernization/](http://copyright.gov/copyright-modernization/). Modernization activities have been chronicled on the *Copyright: Creativity at Work* blog and the newly-established CMO established a public email address ([askcmo@copyright.gov](mailto:askcmo@copyright.gov)) for modernization questions. Senior Office staff also gave numerous presentations highlighting ongoing modernization efforts, including at annual meetings of the American Intellectual Property Law Association ("AIPPLA") and Copyright Society of the USA ("CSUSA"), and Office staff highlighted modernization efforts at a variety of other speaking engagements. In 2019, the Office is expanding its outreach efforts to ensure that the public is informed and engaged in these processes, including with the newly-launched bimonthly webinar series featuring highlights of modernization.

Additionally, the Office issued a Notice of Inquiry asking for public input on how to improve regulations and practices related to the registration of copyright claims in the digital age. To develop modern registration policies, the Office sought input on three areas of reform: (1) the administration and substance of the application for registration, (2) the utility of the public record, and (3) the deposit requirements for registration. The Office received comments in January 2019 and is reviewing them to assist in the modernization process. The Office is considering issuing additional requests for public input on targeted areas such as types of works in the coming months.

#### *Recordation Automation*

Even before fiscal year 2019, Copyright Office staff had begun work to re-engineer its antiquated, paper-based document recordation system. Development is now un-

derway on a new automated recordation system that will completely overhaul the current time-consuming, manual recordation of documents. In collaboration with the OCIO, the Office provided business-based objectives for an OCIO development contract to deliver a “minimally viable product” (“MVP”) of the recordation application in advance of an official project launch. This new system will automate customers’ document submissions (i.e., data) and create a searchable data set that is both available and useful to the public. A limited public release of an MVP for the recordation application is expected in February 2020, which will allow the Office to gather feedback for continued development efforts. Product Launch is currently scheduled for the following year, in February 2021.

#### *Historical Records Initiative*

The historical records initiative is an IT modernization effort that was separately funded with 5-year recurring authority. The goal of the historical records project is to take all of the Office’s historical records of copyright and make them digitally available to the public. This includes all USCO public records from 1870–1977 that are not available online and the public records that are already available online (post-1977 records) but need a more robust search and retrieval interface. The primary digitization efforts are aligned with results of the Office’s recently completed industry analysis, a study conducted to ensure that the Office’s efforts are efficient and in line with best practices. Recent successes include the latest public release of a Virtual Card Catalog (“VCC”) Proof of Concept, which provides the public with images of all of the Office’s card catalog records including registrations, assignments, and other historical records. As of March 2019, the VCC included over 41.5 million card images from 1870–1977, which can be filtered by time period and drawer label. The 1955–1977 indexes can be filtered by the optical character recognition (“OCR”) text on the cards. The public feedback has been overwhelmingly favorable and will be used for future historical records development efforts.

#### *Data Management*

IT Modernization also encompasses data management, and the Copyright Office began work on its data management plan in fiscal year 2018. The plan will serve all in the copyright community—from creators to users and the public at large—allowing them to reap additional benefits from Office data and information that will be authoritative, easily found, well described, high quality, secured, and managed across the entire enterprise. Ultimately this project will provide for a federated search and Business Intelligence reporting technology to allow users to search across registration, recordation, and licensing databases, and to facilitate improved chain-of-title sequencing that can connect registrations to records of assignments and transfers or other documents.

#### *Modernization of Copyright Office Business Practices*

With the funds provided for additional registration specialists in fiscal years 2018 and 2019, the Office has been able to clear a significant number of pending registration applications. As noted above, the Office also undertook a number of initiatives to analyze and address processing times. In fiscal year 2018, the volume of workable claims, i.e., claims not requiring applicant action or awaiting the associated copyright deposit, were reduced by almost 1,900 claims per week compared to reductions of only 130 claims per week in fiscal year 2017. The Office is continuing to focus on process improvements by including modernization of copyright regulations and practices in the Office’s ongoing business process reengineering analysis.

The Office’s modernization initiative is about more than just technology—it also encompasses Office business process reengineering, an organizational and workload assessment, and personnel planning. For instance, in fiscal year 2018 the Office engaged the Office of Personnel Management’s Human Resources Solutions (“OPM”) to conduct an organization analysis and redesign to achieve optimal position management and service delivery efficiency. OPM’s work will be completed in early fiscal year 2020, and the Office intends to use the resulting analysis to reorganize the Office to better align with newly automated processes resulting from modernization.

#### *MMA Implementation*

In October 2018, Congress enacted the most comprehensive update to copyright law since the 1998 Digital Millennium Copyright Act. Title I of the MMA amends the section 115 license for reproduction and distribution of musical works. Title II brings pre-1972 sound recordings partially under the Federal copyright statute. Title III addresses directing royalties to sound recording producers and engineers. The MMA also requires the Office to conduct multiple rulemakings to implement aspects of the law, engage in outreach and educational activities regarding changes to the section 115 license, and undertake a policy study with respect to the estab-

lishment of a public database regarding the section 115 license. The Office has been continuously updating its website to inform the public of the MMA, and relevant implementation dates. The Office has begun publishing updates to its circulars with the statutory changes as well as layman’s explanations of the law and its administration.

Days after the MMA was enacted, the Office issued interim rules to implement aspects of the MMA, addressing Title I (regarding the 115 license) and Title II (regarding Pre-1972 sound recordings). The Office issued a Notice of Inquiry and Notice of Proposed Rulemaking addressing additional regulatory updates (noncommercial use). The public comment period for the Notice of Proposed Rulemaking closed on March 7, 2019. There is a statutory deadline of April 9, 2019 for publication of a final rule (noncommercial use).

On December 21, 2018, the Office issued a Notice of Inquiry regarding the designation of a mechanical licensing collective and a digital licensee coordinator to carry out key functions under the updated mechanical licensing process. Comments were due March 21, 2019, with reply comments due April 22, 2019. The Office is committed to an open and transparent designation process. The Acting Register will recommend entities to be designated by July 8, 2019.

The Office’s outreach and educational activities will continue after each implementation step, including regarding the designation of the mechanical licensing collective and a digital licensee coordinator. The Office will also undertake a policy study regarding best practices that the mechanical licensing collective may implement in order to identify and locate musical work copyright owners with unclaimed accrued royalties held by the collective, encourage them to claim their royalties, and reduce the incidence of unclaimed royalties.

#### PENDING CHANGES TO THE COPYRIGHT OFFICE FEE STRUCTURE

When proposing a balance of user fees and taxpayer-funded monies to support its operations, the Copyright Office gives careful consideration not only to the public benefits of the national copyright system, but also to the impact of user fees on a copyright system that is dependent on voluntary copyright registration and recordation. To ensure that the Office’s fees are “fair and equitable and give due consideration to the objectives of the copyright system,”<sup>12</sup> the Office conducts regular studies of its operating costs and fee structure. For the most recent study, completed in fiscal year 2018, the Office engaged an outside consulting firm to comprehensively assess the internal drivers of the Office’s costs as well as external factors, such as an assessment of economic trends that affect stakeholder value, statutory restrictions, and policy goals. The Office released the study in May 2018, along with a Notice of Proposed Rulemaking, giving public notice of the Office’s proposed fee schedule changes.

The Copyright Office received a significant number of public comments regarding the Notice, and is currently reviewing those comments in anticipation of finalizing a new fee structure in fiscal year 2019.

#### MORE FLEXIBLE FEE AUTHORITY

The Copyright Office would also benefit significantly from greater flexibility in the use of prior-year unobligated fee balances. This could allow the Office to provide services to the public in the event of a lapse in appropriations. Flexibility in management of prior-year balances across budget cycles also could provide for more efficient and cost-effective administration of large, non-recurring projects related to modernization and other capital expenditures. To that end, once authorized, the Office anticipates including in a future budget request a change in appropriations language to allow for 20 percent of the balance available in prior-year fees to be available each year, in addition to appropriated amounts, for obligation without fiscal year limitation, and to allow the Office to access prior-year balances to continue operations during a lapse in appropriations.

The Copyright Office appreciates the Committee’s continued support of the Copyright Office’s efforts to modernize both its technology and services, and to the operation of the copyright system overall.

<sup>12</sup> 17 U.S.C. § 708(b)(4).

PREPARED STATEMENT OF MARY B. MAZANEC, DIRECTOR, CONGRESSIONAL RESEARCH SERVICE

Madam Chairman, Ranking Member Murphy, and Members of the subcommittee,

Thank you for the opportunity to present the fiscal year 2020 budget request for the Congressional Research Service (CRS). I would also like to thank the Committee for your support of our fiscal year 2019 request. The additional funds you generously provided have enabled CRS to strengthen the research and analytical capacity, which is so critical to our ability to provide Congress with exceptional service. I am pleased to report that we continue to make progress in our efforts to modernize CRS's IT systems and are ahead of schedule with respect to the public release of non-confidential written products via Congress.gov. In addition to outlining CRS's budget requirements for the coming year, my goal with today's testimony is to highlight some of the more noteworthy support the Service has provided to Congress during a very busy legislative session and to bring you up-to-date with respect to a number of important initiatives that we have undertaken over the past fiscal year.

SERVICE TO CONGRESS

Serving Congress is central to the Library's mission and CRS plays a critical role in this effort. CRS is proud to serve as Congress's research and analytical arm and embraces its mission: to provide Congress "the highest quality of research, analysis, information, and confidential consultation, to support the exercise of its legislative, representational, and oversight duties." The Service provides expertise in every area of interest to Congress: American law; domestic policy; foreign affairs; government; and science, technology and industry.

In fiscal year 2018, CRS supported Members, committees, and staff in fulfillment of their important responsibilities with a broad range of timely assistance. CRS experts provided more than 62,000 custom products and services, including confidential memoranda; in-person, telephone, and email consultation; congressional testimony; background products; and other miscellaneous services. The Service produced and maintained approximately 9,000 general distribution products and hosted more than 8,600 congressional participants at its seminars, institutes, and training programs. Between its customized product and service offerings, general distribution products, seminars and 24/7 online presence, CRS continues to interact, in some way, with virtually all Member and committee offices.

CRS supported the Senate's consideration of executive and judicial branch nominations with in-depth research and analysis of relevant issues as well as advice and consultation regarding the nomination process. In addition, CRS experts provided extensive research and analytical support to multiple committees on work that culminated in the passage of bipartisan legislation (the SUPPORT Act) to combat the Nation's opioid epidemic. The Service worked closely with lawmakers as they considered legislation to reauthorize the farm bill, the Higher Education Act, the Pandemic and All-Hazards Preparedness Reauthorization Act, and the Federal Aviation Administration Reauthorization Act.

The Service provided analysis in foreign affairs matters, such as Russia and sanctions policy, North Korea, nuclear and ballistic missile threats, the Iran nuclear agreement, and the U.S. decision to withdraw from it, and a long list of other critical issues. Experts also provided guidance on the legislative process, administrative rulemaking, and the annual appropriations bills. In addition, CRS offered a robust roster of training for congressional staff including a public policy series; a series on the legislative process; the popular Federal Law Update series, which has been offered for more than three decades; and a series on disruptive technologies.

STRATEGIC INITIATIVES

CRS continuously examines its organizational enterprise to ensure it is properly aligned to meet Congress's needs. In fiscal year 2018, the Service engaged in strategic and directional planning in coordination with the Library. The CRS directional plan was informed by insightful feedback from congressional users of the Service. In addition, input for the directional plan was solicited from both managers and staff in a variety of venues including: senior management and first-line supervisor meetings, working groups, brown bag lunch dialogues, all-staff meetings, and focus group sessions. The resulting directional plan supports the implementation of the goals and objectives identified in the Library's strategic plan for 2019–2023. The following initiatives illustrate some of the strategic efforts of the Service in 2018:

*Public Release of CRS Products:* Notably this past year, the Consolidated Appropriations Act, 2018 directed the Librarian of Congress, in consultation with the CRS Director, to establish and maintain a public website containing CRS reports. At our

last hearing, I reported that CRS started work right away to implement the directive. This early planning enabled the Library to meet the statutory deadline, on Sept. 18, 2018, and launch the public website with over 600 reports, which are now accessible to the public at [crsreports.congress.gov](http://crsreports.congress.gov). Today, more than 2600 reports are available on the public site, a number that grows steadily as more products are added. In addition to the “R-series” reports, CRS recently began posting additional product types to [Congress.gov](http://Congress.gov).

*Integrated Research Information System (IRIS):* With the initial year of funding provided in the Consolidated Appropriations Act, 2018, CRS, in collaboration with the Office of the Chief Information Officer (OCIO), made progress in the effort to modernize its information technology systems. IRIS will provide an environment that will support CRS’s work for Congress in four key areas: information research, policy and data analysis, content creation, and product delivery. The new system will improve efficiency and foster innovation in CRS operations, while continuing to protect the security and confidentiality of congressional data. CRS continues to engage stakeholders through an iterative series of development and implementation phases.

*Knowledge Management:* CRS embarked on a knowledge management initiative in fiscal year 2018. Activities included the development of the CRS Research Portal, which consolidated research materials and documented best practices used by analysts to respond to selected policy issues. By the end of fiscal year 2018, 18 research sites containing approximately 20,000 documents were added to the portal. Other activities included digitization of critical or one-of-a-kind materials.

The Service also continued initiatives in the areas of human resources management, policies and guidelines, and communications. These efforts have continued in fiscal year 2019.

#### FISCAL YEAR 2020 BUDGET REQUEST AND PRIORITIES

The CRS budget request for fiscal year 2020 is 121.57 million dollars, a decrease of 4.1 million dollars (or –3.3 percent) from the amount budgeted for fiscal year 2019. Almost 85 percent of the requested amount would be dedicated to staff pay and benefits. The requested decrease takes into account a proposed transfer of 8.76 million dollars of appropriated funds from CRS to OCIO to centralize IT operations and personnel within the Library. CRS is requesting no additional funding beyond that which is necessary to cover mandatory pay and price level cost increases.

CRS’s priority is to provide objective, nonpartisan, authoritative information and analysis that effectively meets the needs of Congress. As those needs evolve over time, CRS must necessarily adjust the way it executes its mission to ensure continued superior service. Rapid advances in digital technology, coupled with an increasingly diverse and tech-savvy Congress require CRS to adapt its products, services, and operational capabilities to meet the demand for more enhanced and accessible offerings.

Looking forward to fiscal year 2020 and beyond, CRS will continue to focus on its goals and priority initiatives to enhance and expand the accessibility of its products and services, and to optimize the use of the Service’s resources. CRS will meet the next milestones in modernizing its IT infrastructure as it enters the operational phase of an upgraded content management system and launches new authoring and publishing tools and processes as part of the IRIS project. Continued progress on this initiative will enable CRS to better meet Congress’ expectations for exceptional products and services.

Additionally, CRS will continue to strengthen its research and analytical capabilities to ensure that it is best positioned to provide the requisite mix of skills and expertise across the breadth of public policy areas that Congress will confront in the coming years. With Congress’s generous support for this effort in the fiscal year 2019 budget, CRS has successfully addressed coverage gaps in a number of the policy areas targeted in its fiscal year 2019 request. In fiscal year 2020, the Service will continue to bolster its workforce with recruitment of additional expertise and identify areas of potential need as part of its ongoing assessment of resources in light of the changing congressional agenda.

#### CONCLUSION

CRS appreciates its role as Congress’s trusted resource and is committed to providing exceptional research, analysis, and information to meet the needs of every Member and committee. On behalf of my colleagues at CRS, I would like to express my appreciation to the Committee for its continued support. As we begin this 116th Congress, CRS looks forward to the Committee’s input as we seek to improve prod-

ucts and services and strengthen operational capabilities in our ongoing effort to be Congress's foremost resource for public policy research and analysis.

Senator HYDE-SMITH. Thank you so much, Dr. Hayden.

And congratulations, Ms. Temple.

And now, Ms. Merdon, if you want to give us your opening statement.

**STATEMENT OF CHRISTINE MERDON, ACTING ARCHITECT OF THE CAPITOL**

Ms. MERDON. Thank you, ma'am.

Chairman Hyde-Smith, Ranking Member Murphy, and distinguished Members of the subcommittee, thank you for the invitation to present the Architect of the Capitol's fiscal year 2020 budget. Because March is Women's History Month, I feel compelled to highlight some incredible, first here in this room as the first woman to lead the AOC, it gives me great pleasure to be sitting next to the first woman to lead the Library of Congress, and before you, Madam Chairwoman the first female Senator from the great State of Mississippi.

I also appreciate the opportunity to present my first budget before this subcommittee. While I am new as Acting Architect of the Capitol, I am not new to understanding the needs and responsibilities of the agency. Serving 8 years as chief operating officer provided the opportunity to work with our very talented team. We have achieved many great successes, including the Capitol dome restoration and significant progress restoring the Russell Senate Office Building, a magnificent historic structure.

Our request of \$832 million prioritizes people, projects, and preservation to ensure we continue to fulfill our mission. We are honored to be trusted stewards of the most iconic buildings in the Nation, including the Senate and House office buildings, Supreme Court, Library of Congress, and the Capitol. Millions of people visit this beacon of democracy every year.

Nearly everything you encounter on the Capitol campus is preserved and maintained by the AOC, from the incredible architecture that inspires you, the floors you walk on, and the lights that brighten your way. There is also an entire world of unseen utility, IT, and security infrastructure that enables you to do the work of the Nation in safety and comfort.

Each year we are asked to do more. Our footprint, responsibilities, complexity of our work, and security requirements are all increasing. Our people working behind the scenes help the agency meet the mission every day. In the past, AOC has prioritized Capitol budget increases to maintain and improve our facilities. This has come at the expense of our operational needs.

To meet these growing requirements, we must have the right resources. We request additional staff to support our project and operational needs. We must have more safety managers. We must have more project managers. And we must have more contracting officers to address our growing workload. For example, a typical Federal contracting officer executes 100 contract actions a year; an AOC contracting officer executes double that amount.

The AOC has more than 2,000 employees, including some of the most talented craftsmen in the world. To attract and retain special-

ized expertise in this competitive environment, we need talented human resource professionals. Our team and our inspector general confirmed cybersecurity is a high risk for the agency. We hold sensitive information; we must protect it.

However, our IT funding is one of the lowest in the Federal Government, 3 percent of our budget compared to the Federal average of 11 percent. We've had many project successes over the last year, including the Cogeneration Project. It now yields significant energy savings, but we still have a long list of critical projects to complete. The Capitol Power Plant generates steam and chilled water throughout the campus through miles of tunnels. We must keep this critical infrastructure safe and reliable.

Additional exterior security screening is essential to close a critical gap. We must keep threats outside the building. We are in a race against time to maintain our infrastructure. Stone elements from the Capitol can crumble in my hand.

Preservation is a part of our heritage. The buildings, fine art, botanic assets: their value is priceless. We are requesting over \$60 million in preservation projects to ensure major campus landmarks are enjoyed by future generations.

During the dome restoration, our project team used AOC's original archive drawings from 1855 as a resource to complete the project. We have requested preservation resources to continue our work.

So in recent years, our budget prioritized buildings over people. You will see in this year's budget we have increased our prioritization of our professionals. We know we must invest in the people we need to carry out our project and preservation mission. With your help, we will continue to be successful stewards of our nation's living history.

[The statement follows:]

PREPARED STATEMENT OF CHRISTINE A. MERDON

Chairwoman Hyde Smith, Ranking Member Murphy and Members of the subcommittee, I appreciate the opportunity to present the Architect of the Capitol's (AOC) fiscal year 2020 budget. Our request of \$832 million will allow the agency to successfully meet our mission with a proactive focus on people, projects and preservation.

Prior to becoming Acting Architect of the Capitol, I spent 8 years as the Deputy Architect of the Capitol and the Chief Operating Officer. I learned much about the agency, Congress and the needs of the Capitol campus in that role. And I am energized by the people who work here. The AOC's small but nimble group of employees is not always recognized, but their work matters greatly, and they have a passion and desire to do the best job possible to serve Congress and the Supreme Court, preserve America's Capitol, and inspire memorable visitor experiences.



U.S. Capitol Dome and the Statue of Freedom

The AOC is the steward of the U.S. Capitol, Library of Congress buildings, U.S. Supreme Court, U.S. Botanic Garden and surrounding office buildings, grounds and other facilities. I am proud of what we have accomplished this year. Nearly one-half of the campus' buildings are undergoing stone restoration as weather, age and environmental conditions are destroying many of the finer details of our monumental buildings. The Capitol Power Plant's cogeneration system began generating electricity and steam, which will be the biggest single contributor to the AOC's energy reduction in the coming years. We completed the first phases of the Cannon Renewal and the House Child Care Center expansion projects. The Capitol Visitor Center welcomed its 21 millionth visitor, and the U.S. Botanic Garden engaged nearly a million visitors with innovative educational programs and seasonal exhibits. We also collaborated with partners to provide extraordinary support for special events on the Capitol campus, including the Lying in Honor ceremony for the Reverend Billy Graham, the Lying in State ceremonies for Senator John McCain and President George H.W. Bush, and the celebration of the 225th anniversary of the laying of the Capitol cornerstone.

Despite these successful initiatives, we continue to face great challenges. The AOC is working hard to keep pace with our continually expanding footprint and increased responsibilities. We must ratchet up our efforts to attract and retain talented employees who are engaged and passionate about their work; support projects that are forward-focused and incorporate a broad view of the structure and growing needs of the Capitol campus; and position the agency as the authority on historic preservation to ensure that future generations can continue to take pride in the facilities and art under our care. I think of these challenges as the three Ps: people, projects and preservation.

#### PEOPLE

The AOC has some of the most talented and widely admired craftsmen, tradesmen, artists, architects, engineers and scholars. Over the years, our agency has earned a well-deserved reputation as an agency with a "can-do" attitude. We have taken on new responsibilities and are committed to meeting ever-increasing workloads. However, there are areas that we need to improve. The most significant of these is attracting and retaining talented employees.



AOC Employees are Highly Skilled, Well-Trained and Extremely Dedicated

Much of our work is very specific and highly specialized. Surveys indicate that for the skilled trades—welders, electricians, machinists and others that are prevalent in construction and facilities management—the shrinking talent pool is likely to become more acute. Recruiting and retaining skilled professionals is increasingly competitive.

Since fiscal year 2015, the AOC has strategically prioritized requested budgetary increases for our capital program at the expense of our operational needs. Congress supported our plan and provided significant increases in our capital program that have and will continue to address many critical repairs to our facilities and building systems across campus. In order to maximize the impact of these increases, our fiscal year 2020 budget requests a 9.2 percent increase to begin recruiting necessary personnel and updating critical support systems.

With the expansion of new responsibilities and the ongoing and planned construction of new facilities both on and off campus, additional in-house resources are needed to lead and manage increasing campus-wide project design and development, construction oversight, and project management requirements. Personnel are required to reduce contract award and administrative lead times, and to avoid project delays and cost overruns. As our campus ages and our systems are updated, we need better support for emergency response, fire safety inspection efforts and oversight of fire and safety operations.



Resources are Needed to Keep Pace With Growing Operational and Project Support Requirements

The AOC must also update and improve several critical information technology systems which we have identified as an agency enterprise risk. Our network is supported by decades-old infrastructure and end-of-life equipment that must be modernized. We are requesting increased funding to protect our critical infrastructure and meet the Legislative Branch Cybersecurity Working Group initiative to harden networks and defend legislative branch systems against malicious cyber activity.

#### PROJECTS

The AOC has a unique and important role. We have a responsibility to develop a vision for the future of the Capitol campus that will serve Capitol Hill and the American people well into the future. The decisions that we make about projects and priorities are important to preserve this beacon of American democracy for many generations.

Adhering to a plan is important to me. Each year we use a risk-based process to prioritize needed projects. In fiscal year 2020, we are requesting \$175 million for projects that will provide necessary maintenance to our energy delivery infrastructure, facilitate the next presidential inauguration as well as enhance security measures around the campus.

Current projects across the campus include campus-wide stone and metal rehabilitation, garage and landscape restorations, House and Senate office building renewals, upgrades to security, fire and life safety systems, improvements to visitor services, and energy resilience and sustainability initiatives. Within our fiscal year 2020 Line Item Construction Program (LICP) request, approximately \$58.2 million (25 percent) will be used to complete the next phases of several critical infrastructure projects. Projects that were requested in fiscal year 2019 but did not secure funding represent an additional \$25.3 million (11 percent).



The AOC's Risk-Based Project Prioritization Process Strategically Identifies Projects

All of our current and planned work comes with potential impacts to daily operations, and I am cognizant of potential construction fatigue—within the AOC, among members of Congress and their staffs, as well as our Capitol Hill neighbors. We will continue to communicate consistently with our stakeholders, work hard to minimize disruptions to the Capitol Hill community and those who visit, and always remain cognizant that the business of the Nation is taking place here.



Critical Infrastructure Systems are in Need of Modernizations and Replacement Across Campus

The AOC's fiscal year 2020 request continues to focus on space and storage needs to be able to accommodate the growth of the AOC, congressional staff, Library of Congress collections and Supreme Court personnel. Security requirements and their ever-evolving needs and responsibilities also remain a priority.

#### PRESERVATION

Our heritage assets include buildings, monuments, landscapes, fountains, fine art, archival records and botanic assets. Their value is priceless. Over the last several years, we have expanded our foundational preservation documents, including building preservation guides and cultural landscape reports. We use these documents and our historic preservation policy as planning tools for restoring, renewing and reclaiming our heritage assets to a standard that is appropriate for the Nation's capital and the worldwide symbol of American democracy.



Conservation Work on the Rotunda Frieze

The Architect of the Capitol is one of the few organizations where staff architects and engineers work directly with highly skilled, in-house preservation artisans daily. The buildings on Capitol Hill were carefully and purposefully designed and constructed, and this tradition continues.

Much like an ounce of prevention being worth a pound of cure, adherence to conservation principles and regular maintenance will ensure we are successful in preserving our national treasures for years to come. To that end, our fiscal year 2020 budget request includes more than \$60 million in projects that will continue to preserve the U.S. Capitol's exterior façade for future generations and ensure the historic architectural features of the Library of Congress buildings and major campus landmarks retain their original beauty.

Over the past couple of years, the agency has worked hard to tackle aspirational plans and identify campus-wide solutions that help us to stitch the Capitol campus

into a true campus environment. When I think of the things that I want the agency to accomplish under my leadership, I know that it will only be possible by focusing on the people, projects and historic preservation needed to uphold the unified and symbolic vision for the Capitol campus inherited from the Nation's founders.

Thank you for your continued support and consideration of our fiscal year 2020 budget request.

#### VISITOR EXPERIENCE—MASTER PLAN

Senator HYDE-SMITH. Thank you very much, Ms. Merdon.

I'm going to start off with my questions first. Dr. Hayden, I understand that the Master Plan for the Library's visitor experience is moving along very well and with completion planned for this June, I believe.

Dr. HAYDEN. Yes.

Senator HYDE-SMITH. The initial design elements of the plan are impressive and seem to accomplish your goals of increasing access to the Library's many treasures. You have requested an additional \$10 million for this project in fiscal year 2020 for contracts related to the Treasures Gallery and Youth Center. With an additional \$8 million of already appropriated funds becoming available with the approval of the Master Plan, can you explain the need for the additional \$10 million for this year?

Dr. HAYDEN. Yes. And I'd like to also express appreciation for the AOC and their cooperation and partnership throughout the process. They were part from the very beginning in terms of the plan and also in terms of contracting the company that is in partnership with us with developing the plan. And so I wanted to start with that.

The Master Plan that is due to Congress in June was developed with input from Members of Congress and staff, research briefs, traffic flow analysis, benchmarking, and upon the approval of the plan, the \$2 million for the Master Plan will also include a resource plan for private fundraising because that was part of the initial concept and what we are looking forward to.

The request for \$10 million in 2020 will build upon the design work from the \$8 million specified for use in fiscal year 2019 to start the contracting and design for the Treasures Gallery specifically and the Youth Center. So those are the two aspects that would be first. And then in the following years the funding also would be used for executing and design and implementation of the rest of the project, which would include the Orientation Center.

Senator HYDE-SMITH. Okay. We mentioned the renderings at one point earlier of the new spaces.

Dr. HAYDEN. Yes, we've brought them along.

Senator HYDE-SMITH. Yes, they're quite impressive. Do you believe that the estimated cost of \$60 million is still accurate to implement those elements?

Dr. HAYDEN. And, in fact, we've been working with AOC on that, and there will be additional costing estimates, but we are confident that with the public-private partnership that we will be able to accomplish what we intend with the requested amount.

## VISITOR EXPERIENCE—TIMELINE

Senator HYDE-SMITH. Okay. If you were to receive all of the requested increase, what is your anticipated timeline for the completion of this phase of the visitors experience?

Dr. HAYDEN. In this phase, we would be able to complete the Treasurers Gallery and the Youth Center between 18 to 20 months, and the Orientation Center, which now would include relocating the Thomas Jefferson Library, within 24 months. So those are the estimates as they stand today with acknowledgement that there could be some changes, but not significant, based on the type of project that it is. It's not heavy construction or things like that.

## VISITOR EXPERIENCE—IMPACTS

Senator HYDE-SMITH. What would the impact be to the current Library users, particularly in the Main Reading Room?

Dr. HAYDEN. I just have to stop and thank Congress for giving us the funding for the development of an actual Master Plan. During this time, we've been able to take a holistic look of the entire Library campus and how enhancing the visitor experience at the Thomas Jefferson will impact the other buildings and that.

Early on, when we thought about how to give people an inspirational view of that Main Reading Room, we had thought there might be an opportunity for people to actually walk into the Reading Room, and we quickly found that that might interfere with the people who are doing research in the Reading Room, it might not give the best experience for the visitor coming in looking at people. And so we went back to the design firm and worked on another way to give people that inspirational view up into the Reading Room, and that was how we developed the plan of having an orientation experience.

Right now, for instance, there are four ways to get into the Thomas Jefferson Building on different levels, and people come in and they don't know where they are, they don't know what the Library of Congress is, they definitely don't know what the Library of Congress can do for them when they get back home. And so we were able to condense the entryway from the Capitol Visitor Center and a carriage-level, a ground-level, entryway into an orientation experience, and the rendering shows that you could look up into the Reading Room from that area and be inspired and see that space, but you would not be intruding and walking into the Reading Room.

Senator HYDE-SMITH. Would there be any areas that would have to be closed during that time?

Dr. HAYDEN. That would probably be phased, and we definitely were trying to avoid what happened when the Library had an extensive restoration in the late 1990s. The Reading Room was closed to the public for 5 years as it was restored, and we definitely don't want to do that. By not having to intrude or intervene in most of the area, it would be a very limited space in the middle of the Reading Room that is now a rather underused desk area. So we would try to make sure that we would not intrude on the Reading Room, and in other spaces. The Treasures Gallery, that would be in an existing exhibit space, so there would be signage and things

saying that we are renovating and making Treasures Gallery, we would be able to do that. The youth area is an area that's mainly staff area now, and it would have little public impact. We would be moving staff members into other office areas and then using that space.

#### IT MODERNIZATION

Senator HYDE-SMITH. Gotcha. My second question, Dr. Hayden, regards the Library's significant investments in recent years for modernization of its IT systems and infrastructure across the entire organization. This year, your request continues those investments and adds new program increases for the Data Center, Congress.gov, and the National Library Service's BARD website. As part of this effort, has the Library established a system to measure the successes or outcomes of its Library-wide IT modernization efforts each year?

Dr. HAYDEN. Yes. In fact, IT modernization in the first phase of stabilizing our systems and even optimizing other systems is being completed. We are building on the successes of the last 2 fiscal years and the opportunity to invest quite a bit in IT, and we thank Congress for that. We have completed and implemented 27 of the 31 GAO recommendations about the Library's information technology infrastructure, and that includes security as well as preparing for the modernization of the copyright process and CRS and the National Library for the Blind and Physically Handicapped moving into the digital realm, delivering things through the Internet for that.

This year we're continuing on with securing our data and making sure that we are able to support modernizing those other functions. So this modernization effort is very successful in terms of looking at what GAO had recommended. And we are not only closing them, but we are implementing those recommendations. We have the remaining 4 of the 31 public recommendations are at GAO right now waiting to be reviewed and passed on, and 70 of the nonpublic recommendations that basically address security, and that's why they are nonpublic, are also being addressed.

#### IT CENTRALIZATION

Senator HYDE-SMITH. And to follow up to that, your budget request also proposes the realignment of Library personnel under the IT centralization framework. To date, what benefits has the Library seen occur related to centralization? And what unforeseen challenges have occurred that you can tell us about?

Dr. HAYDEN. One of the greatest benefits of centralization is that we have greater oversight of our IT expenditures. We have greater oversight over IT security systemwide. We have centralized our security officers into one unit and oversight of a professional cybersecurity person. And we are already seeing that our efforts to modernize other service units, Copyright, Congressional Research Service, are moving at a very good pace. And so centralization has allowed us to actually be able to account for our IT spending and our planning for IT.

Mr. Barton, who I think you got a chance to meet before the hearing, has led that effort, and it has been monumental to see the

progress, and we have been commended by the Government Accountability Office (GAO) with the progress with IT. Centralization was one of the first recommendations for the Library, to centralize all IT functions in the Library, including staff.

CONGRESS.GOV REQUEST

Senator HYDE-SMITH. Okay. Again to you, Dr. Hayden, your request includes \$3.6 million for the full retirement of the Legislative Information System (LIS) and continued enhancements to Congress.gov. Over the years, you have made a significant investment of over \$38 million for Congress.gov to be a successful platform for the public and congressional users alike. Can you expand on the need for this additional investment this year?

Dr. HAYDEN. This year, we are looking at the fact that Congress.gov has, since fiscal 2012, been underinvested in many areas. As we have invested in Congress.gov, we've had to take appropriations from other modernization efforts. And what this will allow us to do is to develop new programming and functionality for Congress.gov and make a transition from the LIS system, which is a legacy system. We will not retire LIS until all of the functionality is in Congress.gov. And so we make that commitment. And so this request will really accelerate the enhancements to Congress.gov, such as a mobile app search capacity and also being able to have access to committee hearings and other aspects that Congress has asked for to make it more robust. It also will provide additional security for the information that's available through Congress.gov.

Senator HYDE-SMITH. The retirement for LIS, is that pretty much on track right now?

Dr. HAYDEN. It's on track, however, I want to reiterate that we will not retire LIS entirely until we have all the functionality in Congress.gov. For instance, the first thing that you see is an initial interface that you'll see with Congress.gov, but what's behind it will still have LIS information, and that will be there. We have to make sure that we transfer that to Congress.gov and make sure that it is done securely and we have the capacity to—this is getting a little in the weeds, but in terms of IT, that we can't totally retire LIS until we make sure that everything is able to be transferred.

Senator HYDE-SMITH. That makes perfect sense.

Okay, Senator Murphy, I'll turn it over to you for your questions.

VISITOR EXPERIENCE—FUNDRAISING

Senator MURPHY. Thank you very much, Madam Chair.

Dr. Hayden, I just wanted to sort of round out the conversation on the Visitors Experience. Can you give us an update on where you are in terms of private fundraising, and any commitments that have been received or goals that have been hit on the private fundraising side?

Dr. HAYDEN. On the private fundraising side, we have been really encouraged by the interest in, we call it patriotic philanthropy, opportunities that we have with this project. The fact that Congress has indicated their support, has given us entree into many opportunities for private fundraising. To date, we have verbal commitments for \$11 million of the \$20 that we have already indicated that we would be able to raise with the opportunity to have addi-

tional funding if needed; we have contracted with an outside contractor for a fundraising development plan; and we are supplementing our development staff with a campaign director at this time. So it's very heartening to see the interest in this project, and the opportunities are there.

And we also see it as a way of strengthening the Library's fundraising and development capacity that was started by my predecessor, Dr. Billington, in the mid to late 1990s and early 2000s. And so we want to rebuild that capacity and have the Library have a pretty robust fundraising operation.

Senator MURPHY. So just to remind me, the overall budget is in the neighborhood of \$60 million, and the private fundraising goal of that—

Dr. HAYDEN. Is 20.

Senator MURPHY. Is \$20 million?

Dr. HAYDEN. Yes, it's 20.

Senator MURPHY. And of the—if you don't want to give details here, that's fine—but at what point are those commitments unlocked? Because you're asking us for—you've got 8, you're asking for another 10, but you've got commitments on the private side. At what point are they willing to actually put money into the project?

Dr. HAYDEN. The indications that we're getting is this budget cycle is very important because we have followed through with the Master Plan and the release of the \$8 million to start, and so the indication that there would be additional support on the public side would give a tangible signal to the development effort, and our efforts are being led by the chairman of our Madison Council, and so they are primed to go.

Senator MURPHY. Just speaking for myself here, I would love to see those private commitments become real, concurrent with the next round of funding because as, of course, you remember, the initial funding commitment from Congress was made based on the understanding that it was necessary in order to leverage some private commitments. So I'd rather have some of that money show up earlier rather than us continue to fund it and have uncertainty as to whether it comes through.

Dr. HAYDEN. I think I can say here that the \$11 million in verbal commitments could be solidified very shortly. They are not nebulous. That's the initial thing that could be verified very shortly.

Senator MURPHY. Great.

I'll sort of go back and forth for questions.

Ms. Merdon, when the House took over the O'Neill bill from General Services Administration (GSA), it funded \$30 million in renovations to triple the capacity of its child care center, and I've talked about this in previous hearings, but never got a chance to talk to you about it in open session. Here in the Senate, we have 68 slots total, 9 for infants. We always talk about how we should run government more like a business. No business with the number of employees that we have here would have such a small child care capacity. And so in the 2019 Legislative Branch Act, we included language directing GAO to work with you and other partners to study and review current options to expand the Senate day care. I know it's still early days, but could you maybe give an up-

date on whether those discussions have commenced and what goals you may have for the outcome of those discussions?

Ms. MERDON. Yes, we are working with GAO on the study and we are also working with a consultant in developing a report for Congress that should be ready for your review by the end of the Spring. Our original vendor proposals for the study came in much higher than expected, so we are working to refine the requirements and make clarifications on the scope of work prior to solicitation.

As a working mother, I understand the frustrations that employees do have, so this is a priority for us. You know, we have a lot of wonderful lessons learned from the House day care center, and getting the right people on board to do the report is very important, but also making sure we do it fiscally responsible is very important, too.

Senator MURPHY. I'm just curious. Why do you need an outside entity to do a report on child care capacity?

Ms. MERDON. Well, we learned from the House Child Care Center is we need specific expertise on those who design child centers or those who start the development of child care centers because there are different types of requirements—there is the National Association for the Education of Young Children (NAEYC), there is GSA—and determining which one is the best for the Senate and having those discussions is very important.

#### MAKING CRS REPORTS PUBLIC-STATUS UPDATE

Senator MURPHY. Great.

Back to you, Dr. Hayden. Let's go back to the 2018 omnibus, which included a provision directing CRS to make its current and prior reports public. Can you just give us an update on how the rollout for the reports have gone? We have benchmarks that were laid out in the law. Have you been able to hit those benchmarks? And will you be expecting further action and further developments over the course of the rest of this fiscal year?

Dr. HAYDEN. Yes. CRS has been making the benchmarks and almost 80 percent of the nearly 2,700 active reports are available right now, and the remainder will be ready and online by March 31, this week. And other projects and products like "In Focus" and "Insights" will also become available in March. And they expect to have all of the projects available by September 30, and that was the target.

Senator MURPHY. Great.

Dr. HAYDEN. So CRS, and working with our chief information officer and IT made that possible.

Senator MURPHY. Great. Two more questions for you, Ms. Merdon. First, on this issue over the Construction Division. So GAO issued a report making a recommendation about processes that you could formalize using sort of more current information available when making workforce decisions. Obviously, the goal here is if we don't have to, you know, lay off folks, if we can have a rightsized force for as long a period as possible, better for everybody. Have you concurred with the recommendations in the GAO report? And if so, are you moving forward with them?

Ms. MERDON. We are actually delighted with that report, and the reason why is, you know, from a manager's point of view or em-

ployee's point of view, having swings in hiring and laying people off is you're not being a good employer. And it also becomes very difficult to retain people.

So prior to the GAO engagement, we started developing a policy that would provide more rigor in how we do our planning of our workforce, also better commitments from the jurisdictions on money for funds for projects because the CD workforce is temporary employees because there is no appropriation, they are only project funded.

So we put that policy on pause when GAO engagement began, and after the engagement, when we got the draft, we were absolutely delighted because they were recommending the same direction that we wanted to head to provide more rigor. We already had a plan as far as planning the work and, you know, doing what the industry calls resource leveling to keep the workforce steady, but the missing piece of that was the appropriations, getting commitment from the jurisdictions on the project funding. And by having GAO indicate that's one thing we need to do, and we were headed in the same direction, that is absolutely the right path we want, and that kind of confirmed where we needed to go.

Senator MURPHY. And thank you for that and thank you for taking that issue seriously.

Lastly, on the Russell Stone project, behind schedule. How far behind schedule? What do we know about the ability to hold folks accountable for the delays? And then is there a way to kind of wrap this into the concern you have about your shortage of contracting personnel to oversee these contracts? I know you have a real worry that you don't have the folks you need in order to, you know, move these contracts and address issues that come up as contracts move along. This is a big-ticket item that's had some issues, and I know you want to have the ability to take care of issues that inevitably come up in these big projects as quickly as possible, and you worry that you don't have them now.

Ms. MERDON. Thank you for recognizing the Russell Stone. And, yes, on the first sequence of work, we did have significant delays. Some of them were delays caused by the contractor's quality of work, and some of those were delays on us being able to answer questions or to track down information that we needed. And I think you're identifying, you know, maybe having more contracting officers or more project managers would help facilitate getting those questions answered.

The Russell Stone, the first sequence actually completed at the end of the year. We are on track with the second sequence, which you'll see on 1st Street and Constitution. That will be done by the inauguration. And then the next sequence, the last sequence, on Delaware Avenue, will be awarded prior to the inauguration to begin after the inauguration.

We did hold the contractor accountable. I was personally involved meeting with their executives coming from the Midwest to talk about ways to make corrections. So on the second sequence, we used those negotiated terms, those best practices, to keep the project on track, and it's working very well.

Senator MURPHY. Is it the same contractor on the second phase?

Ms. MERDON. It is the same contractor, but they recognized that they needed to make changes in the processes primarily around the restoration of the windows. They developed a process that's more efficient where they're doing the restoration offsite, I believe it's in Ohio, and then after they restore it, they ship it to the site. I think we're taking a better pace on it, and that's working well for the project.

Senator MURPHY. Well, thank you to both of you. You are both exemplary public servants. We are very lucky to have you. These are not easy jobs with the resources being constrained as they are, but you bring a level of integrity and enthusiasm for your work to this subcommittee and to the Capitol and the Library every day. We appreciate your being here.

Senator HYDE-SMITH. Thank you, Senator Murphy.

Ms. Merdon, you are requesting an additional \$24.9 million in the Capitol Construction and Operations jurisdiction, and that's an increase of 24 percent, which is the largest operating budget increase across all jurisdictions. In addition to the \$10.5 million increase provided in the fiscal year 2019, this would be a \$35 million, or 37-percent, increase for this jurisdiction over the last 2 years. Can you describe the specific need for such growth in this jurisdiction?

Ms. MERDON. Yes, ma'am. And thank you for bringing this up. This is actually very important to me.

As I mentioned in my opening statement, our work is increasing. So the purpose of this increase is actually to rightsize Central Services for the rest of the agency. Central Services provides HR support, IT, contracting, project management, safety and fire protection support for all the jurisdictions. That is critical. And our workload as far as projects has increased over the last 2 years by 36 percent. Our workload in security requirements, in preservation, in safety and fire protection. Recently, there was a fire in the Russell Building, and we're only one deep in people responding. The fire happened on a Saturday night at 9:00. If that person wasn't available, we wouldn't have a safety/fire protection engineer here to respond. So the adding additional safety and fire protection engineers as well as project managers, contracting officers, human resources, it keeps operations working and keeps projects on time. The purpose of this increase is primarily to rightsize.

In the increase is also our IT budget, about \$9 million. As I mentioned in my opening remarks, we are the lowest funded in the Federal Government. We are absolutely the lowest funded in the legislative branch for IT, 3 percent, where the Federal average is 11 percent. And we use IT just as we use tools in a toolbox. Our trades use IT. If you were to look at the dome under construction, they weren't carrying a roll of documents under their arms, they were using iPads. You, ma'am, you used the "Suite Selection" when you selected your suite. So it's our IT that helps develop efficiencies for those types of things, but if only we have a 3-percent budget, we are unable to do more and keep up with the rest of our industry.

Senator HYDE-SMITH. I understand that part of the requested increase in Capital Construction and Operations (CCO) is for support to all jurisdictions for capital projects. Right now there are 47 ongo-

ing construction projects, according to my information, across the AOC, another 11 projects in study or design phases, and an additional 25 requested in fiscal year 2020.

While we have a duty to preserve and maintain our historic buildings, given the strain these projects place on the Support Division, are we perhaps taking on too many projects at one time? Can you elaborate on that?

Ms. MERDON. Sure. The challenge that we face when we prioritize projects and when we present the budget to you, these are projects that we need either continuing phases of existing projects, addressing areas where deterioration has taken place where it becomes unsafe, and for critical infrastructure, like our utility tunnels, our emergency generators. So we're asking for things that we need, not that are nice to have or take on that's too much new.

So when we take a look, we take a hard look at our budget, what can we accommodate, what's ready for construction, and what do we need just to continue with the mission to serve Congress?

Senator HYDE-SMITH. Okay. Regarding the generators, the request for the Library Buildings and Grounds jurisdiction includes two new emergency backup generators for the James Madison Memorial Building. The project cost is estimated to be \$48.8 million. That's more expensive than the cost of construction for the collection Module 6 at Fort Meade. Can you help us understand the high cost associated with that project?

Ms. MERDON. Certainly. The existing emergency generators are in the garage currently, which do not meet code. The emergency generators provide lighting for life safety and emergency systems for the building. To meet code, we need to install the generators on the roof of the building. So there are some structural upgrades that need to happen on the roof as well as after we're done, we know that there is going to be repair work to be done on the roof.

So it's a combination of bringing it up to code, bringing very large pieces of equipment on top of a roof that wasn't designed to accommodate generators, you know, using a crane, shoring up or increasing the structural loading capacity of the roof itself, and then knowing that we're going to have to do repairs after that.

Senator HYDE-SMITH. Do you know how much the cost of the generators themselves are?

Ms. MERDON. The generator cost is \$10.3 million of the total project cost.

Senator HYDE-SMITH. But we're talking about two, correct?

Ms. MERDON. Correct.

#### NATIONAL LIBRARY SERVICE REQUEST

Senator HYDE-SMITH. Okay. Dr. Hayden, the Library is requesting \$7.4 million for the National Library Service to begin infrastructure modernization under its BARD website and invest in braille e-reader technology. This would be the first installment of a large investment in NLS with a goal of increasing access and expanding patronage of the program. Do you anticipate the growth in patronage will come from these enhancements, or does this initiative seek to meet existing demand not currently being met?

Dr. HAYDEN. It will do both. As you know, this program is for people with reading disabilities, and that's for all ages. It's also for institutions as well. And so there is currently a need to be able to provide things in a more digital format. And after the pilot program—and the head of the program is with us here today—it was very apparent that we needed to do more with the aspect of digital delivery using eReaders and being able to have a system that will support that. And the anticipation is that we would have even more people who would utilize the services if we had the addition of more digital capacity as well. So there are already people wanting to have more digital delivery as well as we know that there will be more in the future.

Senator HYDE-SMITH. What is the estimated timeline for these changes to the NLS system?

Dr. HAYDEN. The initial pilot I mentioned has yielded quite a bit of information, and so there is now a contract that would be let to start with approximately 2,000 of the eReaders, and that would be shortly that we would be experimenting with those and seeing that delivery. And so within the next year or so we would be able to get more information on how those eReaders are received and also how the process is working.

Senator HYDE-SMITH. Okay. Ms. Merdon, in your testimony, you mentioned that attracting and retaining talented employees is one of your biggest challenges facing the AOC today, and the CCO increase would provide investments in human capital management, including a talent acquisition specialist to assist in hiring demands and ensure fairness in hiring. What impact has this issue of employee retention had on the agency? And is there an area where there has been a larger issue than others?

Ms. MERDON. Thank you, ma'am. And you are correct, we are asking for talent acquisition management. It is important to be a great agency, and as the agency participates in the best places to work in the Federal Government, we're actually rated in the top third for midsize agencies. You know, our talent acquisition uses different methodology besides USAJobs; we use opportunities to, you know, use LinkedIn and other ones.

But you're right, we do have other challenges in the agency. You know, most recently, you know, prevention of sexual harassment is a focus for me that I think requires a culture change in the agency. You know, I have made great strides in changing the training for our employees; instead of biannual, we do it annually. I have stood up a 1-800 number for our employees if they experience sexual harassment to call anonymously. And I think there are other opportunities in the agency to make it a better place to work by aligning better organizational structure for more transparency and accountability as well as aligning our diversity inclusion, disputes resolution, our EEO office directly with the Architect of the Capitol, as recommended by our inspector general.

So—so, ma'am, to make it a best place to work, you know, we always need to make improvements and culture change, and I am committed to making those changes.

Senator HYDE-SMITH. And how are you currently handling those issues with the current resources that you have?

Ms. MERDON. We have made great strides in the last several months. We have emphasized civility in the workplace, and instituted annual and mandatory prevention of sexual harassment courses. Since I assumed the Acting Architect role, I swiftly established a confidential hotline, coordinated additional training and met with leaders of the Office of Congressional Workplace Rights to establish clearly that I place a priority on a safe and respectful workplace. But I think there is more opportunities to make improvement, even as Acting Architect, to make this an even better place to work.

Senator HYDE-SMITH. So right now what you have currently you don't think is just quite adequate?

Ms. MERDON. It's not quite adequate. I think it's important to provide additional oversight by restructuring staff, including moving the Diversity, Inclusion and Dispute Resolution (DIDR) to report directly to the Architect as recommended by a study done by our inspector general. I think even giving that presence would make a big difference, and also additional funds in the future. But I think focusing on hiring people, to hire the right people. I think human resources, attracting the talent, and just making this a great place to work and addressing cultural issues is important for me.

Senator HYDE-SMITH. Okay. Thank you for that. Ms. Merdon, this subcommittee has shown support for the Botanic Garden and the educational program it offers. This year's request includes funding to continue and expand the Urban Agriculture program. Can you give us some updates on this program and what you might expect from the new educational programming?

Ms. MERDON. Sure. And we greatly appreciate the support that you have provided us in the past. So Urban Agriculture, we have partnered with other botanic gardens, including the Chicago Botanic Garden. We will be working with entities in Ohio on a train the trainer program, meaning we will provide instruction and educational resources to those who help others who want to learn more about urban agriculture. We have also worked with "Armed to Urban Farm," which is a program teaching veterans and active duty military about urban agriculture, how to manage an urban agriculture farm. And then with your assistance and with your support, we actually hired an urban agriculture education specialist who now works at the Botanic Garden.

Senator HYDE-SMITH. Thank you.

Senator Murphy, do you have any more questions?

Senator MURPHY. No, I'm all set.

#### SURPLUS BOOK PROGRAM

Senator HYDE-SMITH. Okay. Senator Lankford is on his way, and I think he did have some questions. I think we've covered a good bit of material today, and you've provided some very good answers, and maybe he will be here quickly.

There is one other program that I am interested in because Mississippi is such a rural State, and that is the Library's Surplus Book Program. Dr. Hayden, as you know, it's very important, especially to my State and across the country in these rural areas, that additional resources were included for the program in the fiscal

year 2019 legislative branch bill. Can you provide a general update on how the program is operating today and your plan for these additional resources?

Dr. HAYDEN. The Surplus Books Program is an excellent way to provide new books for all ages to jurisdictions, and in the 2018 execution of that, we had 76,000 items that were supplied to participants in 30 States, participants received books as well as 103 congressional offices that actually selected the surplus books to be sent for jurisdictions. I was able last year to actually be present in several States when surplus books were being presented by Congressional Members. And it means so much to schools, local libraries, especially libraries and schools that have had damages from tornadoes, hurricanes, fires, to receive brand-new books. And so with the execution, we are also expanding our outreach through our website and the congressional offices. One of our best ways to get the word out, is through the congressional offices.

Senator HYDE-SMITH. Great. That has been very helpful.  
Senator Lankford, I'll recognize you for your questions.

#### VISITOR EXPERIENCE—EXECUTION OF FUNDING

Senator LANKFORD. Thank you very much.

You all, thank you. Thanks for your work and thanks for what you're doing. I've got several questions. You may have already dealt with some of them, hopefully not, but I've been bouncing back and forth doing a couple things to try to be able to cover this. But I appreciate very much your service.

Carla, it's good to see you again. Thanks for all your ongoing work. The Visitor Center experience, the \$8 million that's still to be allocated this year, what is that part for?

Dr. HAYDEN. With the approval of the Master Plan, that is to be formally presented to Congress this June, the contract was awarded to Pure + Applied, that was the design firm, in August of 2018. Upon approval of the plan, there would be design and contracting for the implementation and really the construction of the Treasures Gallery and the Youth Center.

Senator LANKFORD. So is the \$8 million for that construction? Because the \$2 million, the first \$2 million, that's been allocated—

Dr. HAYDEN. For the Master Plan, right.

Senator LANKFORD [continuing]. Is for the Master Plan to be able to get going.

Dr. HAYDEN. Right.

Senator LANKFORD. Is it \$8 million design or is that \$8 million actually brick and mortar experience construction?

Dr. HAYDEN. It will be design, and that will include the actual blueprints—and if AOC wants to jump in, you can with that—and also to award the contracts for the actual construction. You know, it's a contract—

Senator LANKFORD. But it's not actual construction. This \$10 million, \$2 million is Master Plan, and \$8 million is blueprints and design. None of that is construction. Is that correct or not correct?

Dr. HAYDEN. It—from what I understand and what will be part of the contracts would be looking at how we could then go with actual construction, but it's not the actual construction.

Senator LANKFORD. Okay. Do you have anything you want to add to that?

Dr. HAYDEN. Yes, you might want to put the technologic.

Ms. MERDON. Not—not at this time. I mean, you know, typically the plans cost, you know, maybe between 6 and 12 percent of the actual construction, and then the actual construction, of course, is significantly more. I think you're in the very early planning phases. It is important that our two agencies coordinate and collaborate throughout the concept development phase to ensure final design and construction documents fully account for fire and life safety requirements, historic preservation and overall budget costs.

VISITOR EXPERIENCE—FUNDING STRUCTURE

Senator LANKFORD. Right. So you're talking about \$60 million in total construction or \$60 million just the Federal portion of construction?

Dr. HAYDEN. The actual construction—and this is where the phasing and how you look at the actual fabrication—would be a portion of the entire 60. The design and development and the blueprints is another portion.

Senator LANKFORD. So you're talking \$10 million, \$10 million for Master Plan and design, \$60 million for construction, and then there is also a private portion of it? I'm trying to figure out all the numbers.

Dr. HAYDEN. The private portion of the 60, the entire project is 60.

Senator LANKFORD. Okay.

Dr. HAYDEN. With the three components, the Treasures Gallery, the Youth and Lifelong Learning Center, and the orientation area, that is actually a revision of getting into the Main Reading Room, which you saw initially. The thought was to have people walk in. We've definitely seen that that is not feasible to have people walking into that. So that is the orientation area. So there are three aspects. And the \$20 million from private sources is part of the \$60. So the partnership would be 40—

Senator LANKFORD. Right.

Dr. HAYDEN [continuing]. From public sources and 20 from private.

Senator LANKFORD. The 40 includes the \$10 million that's already been allocated.

Dr. HAYDEN. Yes.

Senator LANKFORD. Okay. So \$40 million total to complete the project from the Federal tax dollars. Will that include the ingress/egress stairs outside? Because I know that was part of the conversation as well, is that we've still got an ingress/egress portion.

Dr. HAYDEN. No.

Ms. MERDON. No, that is an AOC appropriation.

Senator LANKFORD. Is that still around \$24 million? Where is that?

Ms. MERDON. It's—it's about \$24 million, but I think we're—we received that appropriation for the north stair already. Ultimately, there will be four stairs throughout the building, but we're starting on the north stair right now.

Senator LANKFORD. Will that be complete by the time the Visitor Center area is complete?

Ms. MERDON. It's under design right now, and we are taking a look at the impact that the visitors experience will have on the size of the stairs. Dr. Hayden anticipates there will be more visitors, which impacts the size of how big it is, you know.

Senator LANKFORD. Sure. And that was part of our conversation a couple years ago—

Dr. HAYDEN. Yes.

Senator LANKFORD [continuing]. To be able to make sure we've got stairs to address the ingress/egress problems already. We don't want to increase capacity without having to solve that one first.

Ms. MERDON. Right. So we are working with the Library, in lock-step with them on the stairs.

Senator LANKFORD. Okay.

Dr. HAYDEN. And that's what we mentioned earlier, that AOC has been involved. Also, Capitol Police in terms of security and what will be the impact as well. So they've been involved.

Senator LANKFORD. Madam Chair, may I ask a couple more questions with this because—

Senator HYDE-SMITH. Absolutely.

Senator MURPHY. Can I just piggyback on yours before you finish?

Senator LANKFORD. Absolutely.

Senator MURPHY. This \$10 million design to \$50 million construction sounds like—

Senator LANKFORD. High.

Senator MURPHY. Sounds high.

Ms. MERDON. It—it depends on the complexity of the job. If you're building an office building in the suburbs, that number is going to be low. If you're building something in a historic building that requires historic preservation, very intricate designs, a lot of consultants coming in on historic preservation, structural issues on a historic building, that's going to raise the cost. I've seen it where a design can be about 30 percent of the construction costs because it's a very complex project. And this is I would consider a complex project because where it's being located and just, you know, we have to look at fire protection, historic preservation structure, and you've got to bring all those consultants in as well as your visitor experience consultants, which adds to that.

Senator MURPHY. Okay. I look forward to following up on that.

Senator LANKFORD. Yes, I'd love to have a conversation on that just to be able to make sure we're tracking. I know you all are—there's a limited number of contractors out there that do this type of work as well—

Ms. MERDON. Correct.

#### VISITOR EXPERIENCE—STAFFING NEEDS

Senator LANKFORD [continuing]. And that does make a difference on the competition. Originally that number, that \$60 million number, also included some staffing as well, to be able to staff the visitor experience.

Dr. HAYDEN. Yes.

Senator LANKFORD. Do you anticipate that \$60 million total is all construction, design, everything else, or do you anticipate there is an additional request coming back to this committee for FTEs in the future to manage this long term?

Dr. HAYDEN. With this request, in fact, there are three employees to handle the design and development, and one is an educational expert for in terms of the Youth Center and looking at the programming for that and starting out with that.

We are looking at our current staffing in terms of visitor services, the docent population as well, and our teaching with primary resources and that, and so we'll be looking at what types of repurposing almost some of the functions as we look at more visitors—

Senator LANKFORD. Do you anticipate when the Master Plan comes back to us complete—

Dr. HAYDEN. We do.

Senator LANKFORD [continuing]. That there will also be a recommendation of how many FTEs—

Dr. HAYDEN. Yes.

Senator LANKFORD [continuing]. You will need after it's complete?

Dr. HAYDEN. Yes.

Senator LANKFORD. Okay. That would be very helpful.

Dr. HAYDEN. And the need might include how we would arrange staffing patterns in a different way—

Senator LANKFORD. That would be very helpful.

Dr. HAYDEN [continuing]. And that's the type of thing that we're looking at.

Senator LANKFORD. That would be very, very helpful.

I have just one last quick comment, and this one is kind of funny and different. As I run the Capitol, as a lot of people do, I have run the Capitol, around it, and when I get on the west side of the Capitol for the last several years, I run past some fabulous temporary lighting that's out there with generators and lighting, and I've run past those temporary lights for a couple of years, and I've wondered how long temporary lights go up in an area that looks like it will probably need lights on it period. And I only raise that to say that there is some level at some point that the Architect of the Capitol makes a decision we need a permanent thing here or we need a temporary thing here, and trying to just figure out the cost differential. But those temporary lights have been out there a while, and I would love to just be able to hear the mindset of at what point we need a permanent item there and at what point we need a temporary light, or something like that. Does that make sense?

Ms. MERDON. That makes sense.

Senator LANKFORD. Yes.

Ms. MERDON. Just to fine-tune where those may be, I'm thinking those may be on Constitution Avenue?

Senator LANKFORD. No. On the west side—on the west side of the Capitol facing towards the Mall area and just off the sidewalk close to the Capitol. So there's a couple light posts there with six lights on them—with a gas generator on the bottom, and every night they fire up the generator and run them, and they've been like that for

a couple years. And I thought one day we're going to have a light post probably right there that we just flick on.

Ms. MERDON. Those temporary lights are there at the request of the USCP. Our historic preservation office has sent them at least two letters regarding their status to encourage the removal of the temporary lights. In the near future, we are meeting with them to identify the lighting needs in that area. Following that discussion, we will develop a plan to better address the overall lighting security needs on the campus. I'm happy to provide you with more information on that plan following our meeting with USCP.

Senator LANKFORD. Yes.

Ms. MERDON. In addition, we identified several years ago that some light posts were unstable, so we have a replacement program.

Senator LANKFORD. That would be great.

Ms. MERDON. Okay. Thank you for bringing that up.

Senator LANKFORD. Well, just grab your crew and some tennis shoes and we'll go run it one night and I'll show you exactly where it is when we go past it.

Ms. MERDON. That may be exceeding expectations.

[Laughter.]

Senator LANKFORD. Thank you very much. Thank you.

Senator HYDE-SMITH. Senator Murphy, do you have any more questions?

Senator MURPHY. All set.

#### CLOSING STATEMENTS OF SENATOR CINDY HYDE-SMITH

Senator HYDE-SMITH. Okay. This concludes the Legislative Branch Appropriations Subcommittee hearing regarding fiscal year 2020 funding for the Library of Congress and the Architect of the Capitol.

#### ADDITIONAL COMMITTEE QUESTIONS

Thank you, Dr. Hayden, and thank you, Mrs. Merdon, for your testimony today. The hearing record will remain open for 7 days allowing Members to submit statements and/or questions for the record, which should be sent to the subcommittee by close of business on Wednesday, April 3, of 2019.

[The following questions were not asked at the hearing, but were submitted to the agencies for response subsequent to the hearing:]

#### QUESTIONS SUBMITTED TO HON. CARLA D. HAYDEN

#### QUESTIONS SUBMITTED BY SENATOR CINDY HYDE-SMITH

##### SURPLUS BOOK PROGRAM

*Question.* Dr. Hayden, the Surplus Book Program at the Library is a wonderful resource for libraries and schools in Mississippi and across the country, particularly in rural areas. The fiscal year 2019 legislative branch bill provided additional funding for this program. How do you plan in coming years to make the program more effective?

*Answer.* The program was established to make the best possible use of books that are surplus to the needs of the Library. The amount of books that are available for the program at any time is very limited based on the processing flows of the Library. In recent years, client demand has been satisfied by the selection available. However, if the program were to be publicized widely, the resulting increased demand could not be met, and clients would be dissatisfied. To make the program more effective, we plan to work more closely with congressional offices so that li-

braries and schools throughout the country with a need for these materials can be targeted. This will allow Members to serve their constituents directly through this Library of Congress service. This year the Library assigned a second technician to the program to meet increasing demands for information and appointments.

*Question.* I have found that often the institutions that could benefit directly from the program are not always aware of this valuable resource. As you have testified, one of the main avenues of outreach is through our congressional staff and district offices, however I believe the program could benefit from additional methods of outreach. Have you explored ways in which the Library could increase awareness of the program?

*Answer.* The Library reaches out to schools and other public entities about the surplus book program directly through its website, through trusted partners, and most critically through congressional offices. In order to communicate directly with interested organizations the Library maintains a website on the program (<https://www.loc.gov/acq/surplus.html>), including eligibility requirements and instructions on application through or separately from a congressional office. Information on the program is also available linked from the ALA website (<http://libguides.ala.org/book-donations/seeking-books>), a trusted resource for public libraries, school libraries, and other educational institutions. However, the Library's most important outreach efforts for the surplus book program are through congressional offices, to help them spread awareness of the program among their constituents. These efforts, primarily through the Library's Congressional Relations Office, are multi-faceted, including: Every new Congress scheduling appointments with new Member offices to discuss Library services for them, their staff and constituents, including the Surplus Books Program; Following a natural disaster, sending a notice into the States/districts affected providing information about the program and how it can be used in their State/district (Library staff also liaise with FEMA on an ongoing basis to ensure awareness of emergency needs and support for recovery efforts); Developing a new promotional video for the program; Making Surplus Program bookmarks available to organizations; Maintaining a congressional-only facing website which includes a description of the program (<http://www.loc.gov/lcnet/constituent/>); and advertising the program through the Committee on House Administration's weekly newsletter, as well as at district director meetings held at the Library of Congress. The Congressional Relations Office has done a remarkable job of promoting the program. Since the new 116th Congress took office, 39 new Congressional Offices have signed up for the Surplus Books Program.

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#### QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER MURPHY

##### LIBRARY VISITOR'S EXPERIENCE

*Question.* Dr. Hayden, I share in your excitement about the Visitor's Experience project. In total, I understand the project is expected to cost \$60 million, and your vision is to share those expenses in a public/private partnership.

In the Fiscal Year 2018 Omnibus Act, we provided \$2 million for you to get started on planning right away and an additional \$8 million that will be "unlocked" once we review your spending plans. Your fiscal year 20 request includes an additional \$10 million for the project.

What is the timeline for the \$2 million? When can the Committee expect briefing materials for your plans for spending the remaining \$8 million provided in fiscal year 2018?

*Answer.* With the award of the Master Plan contract in late August 2018, the Library began drawing on the \$2 million. When the Master Plan is submitted in June 2019, any monies remaining from the \$2 million would go towards executing the approved Master Plan. The final master plan submitted in June 2019 will have a spending schedule detailing how the \$8 million will be allocated.

*Question.* What specifically is the plan for the additional \$10 million in fiscal year 2020?

*Answer.* With the approved Master Plan, the first space to be designed and built will be the Treasures Gallery. The fiscal 2020 request of \$10 million would go towards the Treasures Gallery audio-visual contract, and the Treasures Gallery exhibit fabrication/installation/construction contract.

*Question.* What portion of the fiscal year 2019 funding is designated for the Architect of the Capitol? Have those funds been transferred to the AOC? What portion of the \$10 million requested in fiscal year 2020 will be for AOC activities related to the Visitor's Experience project? How do you foresee those funds being spent,

based on the conversations the Library has had with AOC and in development of the Master Plan?

*Answer.* To date no funding has been transferred to the AOC for this effort and the cost estimation process we are currently undertaking will specify the fiscal 2019 monies that would go to the AOC. We anticipate that the portion of the fiscal 2019 monies transferred to the AOC would pay for the AOC's Treasures design work.

*Question.* What is the total budget—Federal and private funding together—for the program and when will it be complete? Where are you in terms of fundraising commitments and goals?

*Answer.* A detailed cost estimate has been prepared by outside cost estimators and is currently being reviewed by the Library and the AOC. This detailed cost breakdown will be shared with Congress in the second project "look-in" to be scheduled in late April, early May. The numbers are on-track to be at the \$60,000,000 that has been previously discussed.

Current fundraising from the Library is \$11,000,000 in verbal commitments.

*Question.* How have you responded to the concerns of some researchers who are understandably nervous about more public access to the Main Reading Room? How are you ensuring those researchers can do their work and not be disturbed?

*Answer.* The two areas in the Master Plan where visitors will have new views of the Main Reading Room (the Orientation/Oculus space, and the first floor viewing alcove) will not put visitors on the floor of the Main Reading Room. Researchers and their work will not be disturbed.

#### STORAGE MODULES

*Question.* The Fiscal Year 2018 Omnibus Act provided a considerable investment of \$45 million for a "double-wide" storage facility. This will be the 6th and 7th installments in a long-term project to relieve the Library's storage problems and to provide long-term, climate-controlled storage for our most precious collections.

How has the completion of the first 5 modules impacted storage here on the campus, in particular the life/safety hazards?

*Answer.* Transferring collections to the environmentally optimized storage facilities at Ft. Meade has reduced but not fully eliminated the life safety risks from overcrowded aisles that restrict safe movement through the stacks. With the first five modules complete and with the additional storage space from Module 6 anticipated in 2021, the Library expects to clear all aisles and then begin rebalancing materials on the Capitol Hill campus to relieve overcrowding and double shelving. All of these efforts reduce the risks to the collections and occupants of the buildings, and improve the Library's ability to provide good inventory control and reliable order fulfillment.

*Question.* What is the expectation for needing more storage modules once the first planned set of 13 is complete?

*Answer.* The Library's storage requirements are driven by the rate of publication in the United States and globally, and the rate at which the Library acquires special format materials to build the National Collection. Book production quantities have not changed substantially over recent years: even as some information shifts from print to digital as a preferred format, total information output grows as well and demand for printed matter appears relatively stable. The Library also acquires materials of distinctive historical and cultural significance, whose value is inextricable from their physical format. Despite these continuing demands for storage space, the capacity planned for Modules 6, 7, and 8 will substantially address the Library's retrospective storage deficits, so the Library anticipates an update to its storage strategy for Module 8 and beyond, which will consider options available in storage technology and an updated evaluation of storage needs.

#### IMPACTS OF NO FISCAL YEAR 2020 BUDGET AGREEMENTS/POST-SEQUESTER LEVELS

*Question.* Under the Budget Control Act, non-defense discretionary funding faces a cut of 9 percent in fiscal year 2020. Without a new budget agreement in place that lifts caps, we could see the legislative branch cut by at least \$450 million if cuts are applied across-the-board. This would have a devastating impact on the work we've done in recent years to restore Library and AOC workforces, modernize IT systems, and chip away at backlogs.

Please describe for me how such cuts would impact your agency. What initiatives or projects from previous years would be postponed or halt? What would be the impact on your employees? Your fiscal year 2020 request focuses on meeting the strategic goals of modernization and optimization for the Library's IT systems and also

the experience visitors have when they come to the Library. How would you continue to try and meet those goals under post-sequester levels—or would you not?

*Answer.* This response assumes having knowledge of the enactment by October 1, 2019 with 12 full months to react to the reduction. The later in fiscal 2020 that enactment occurs, the greater the magnification of the ability to absorb the reduction will be. A 9 percent reduction from the fiscal 2019 enacted base of \$751.9 million would be \$67.7 million and result in a budget of \$684.2 million for fiscal 2020. This reduction would be almost double the 2013 reduction of 5.1 percent and take the Library back to fiscal 2017 levels when the majority of the Library’s major modernization programs began. There are multiple high-impact alternatives for absorbing a \$67.7 million reduction. Of the fiscal year 2019 enacted total of \$751.9 million, Pay represents about 62 percent at \$465.2 million and Non-Pay is 38 percent at \$286.2 million.

A 100 percent “Pay only” solution could be pursued to cover the reduction, however, while leaving Non-Pay modernization contracts intact; this would result in a drastic 14.6 percent reduction in Pay. A reduction of this size to the pay account would extend or pause existing modernization initiatives, make it impossible to start any new initiatives, and create unmanageable processing backlogs due to disruptions in the workforce. A 100 percent Non-Pay solution would be even more disruptive to the Library’s operations and programs as absorbing all \$67.7 million out of the \$286.2 million Non-Pay budget (or 23.7 percent) would drastically slow and halt many programs. While such a large reduction of 9 percent will have a negative impact on modernization and core operations, a combination Pay and Non-Pay solution may provide more flexibility for selecting or isolating the reductions and impacts. The most significant impact of any combination reduction at this level will be the negative impacts to all the modernization progress the Library has made and the continuation of those efforts in the fiscal year 2020 budget request.

*Pay/Non-Pay Combination Solution*

- Implement 20 furlough days—avoids approximately \$39.7 million
- Implement a partial hiring freeze—could avoid up to \$5.0 million
- Reductions in various Non-Pay programs highlighted below—roughly \$23.0 million

THE ESTIMATED IMPACT BY APPROPRIATION

9 Percent Reduction Impact Estimates					
Appropriation	9 Percent Reduction	# of Furlough Days	Cost Avoidance Through Furlough Days	Partial Hiring Freeze	Reductions to Non-Pay Accounts
LC, S&E .....	\$43,204,680	20	\$29,418,974	\$3,707,069	\$14,680,063
CO, S&E .....	\$8,406,630	20	\$1,888,132	\$237,922	\$2,856,400
CRS, S&E .....	\$11,311,920	20	\$7,381,046	\$930,081	\$3,843,558
BBPH, S&E .....	\$4,750,470	20	\$991,414	\$124,928	\$1,614,112
Total: .....	\$67,673,700	.....	\$39,679,566	\$5,000,000	\$22,994,134

Although any solution of this size will have a dramatic impact on operations and program, the combination of a 20-day furlough, partial hiring freeze and the remaining absorption from non-pay accounts would allow for a continuance of operations at a lower level. In this scenario, pay accounts would absorb \$44.7 million and non-pay accounts would absorb \$23.0 million. A 20-day furlough would absorb about \$39.7 million and a partial hiring freeze could absorb up to \$5.0 million. The non-pay portion of the reduction would be \$23.0 million, which would be absorbed through the calculated selection of the following items for reductions:

- From Office of the Chief Operating Officer: contracted services would have major reductions to achieve the necessary cuts:
  - Custodial \$8.4 million contract, \$1.6 million cut, reduces cleanliness to minimum standards;
  - Momentum CGI \$4.9 million contract, \$1.1 million cut, reduces financial management capabilities and support for legislative branch agencies;
  - Guard Service \$4.5 million contract, \$1 million cut, fewer guards and hours of coverage;
  - Master Collection Storage, \$1 million contract, \$1 million cut, no additional shelving to support collections; and

- Integrated Electronic Security, \$1.1 million contract, \$300,000 cut, no security expansion or upgrades.
- From CRS:
  - Reductions to research material budgets, professional development and travel, and deferment of some IT modernization efforts;
  - Possible extension of schedules of modernization programs such as IRIS, LIS Retirement and Congress.gov.
- From Library Services:
  - Mass De-acidification could be substantially reduced or suspended and instead, collections can be safeguarded through environmentally optimized storage;
  - Acquisition Budget—GENPAC reduction of \$3 million (19 percent of the budget) would eliminate 75,000 items from acquisition and made available to support Congress and the American people;
  - Postpone the replacement of end-of-life MAVIS collections management system that system supports NAVCC, Music, AFC and VHP in documenting collections and the preservation workflows;
  - Reduction in the digitization would significantly reduce the offsite accessibility of collections and would result in producing 1 million fewer master files and represent a 30 percent drop in production;
  - Catalog conversion work would be halted, reducing inventory control of and user accessibility to more than 500,000 rare and special collection items;
  - Cuts to preservation reformatting and binding programs would compromise inventory control and long-term collection availability;
  - A 28 percent reduction in web harvesting—increasingly critical as a method for documenting and acquiring content related to U.S. Elections, Congress, and digital publications of State agencies; and
  - Foreign Language contracts including West Africa—Would not acquire approximately 5,875 books and serials from twelve countries in western Africa, where it is very difficult to acquire research-quality collection materials. These materials support Congress and the American people in researching urgent questions of geopolitical and medical importance.
  - May result in reduction of evening reading room hours in order to fully support core business hours (M-S, 8:30 am-5:00 pm).
- From Office of the Chief Information Officer:
  - Given the interconnected nature of IT projects underway to overhaul the Library's technologic foundation, the reduction would have an outsized effect felt for several years reversing tremendous modernization progress of the last few years;
  - Extends the use of outdated infrastructure potentially increases IT security vulnerabilities and the expense of running and maintaining the Library's networks, continue suboptimal IT performance for Library staff and others who rely on the Library's network, and limit modernization efforts due to inadequate IT infrastructure; and
  - Slowing IT infrastructure modernization efforts would be necessary, with a corresponding increase in operational and security risks. Resulting in:
    - Potentially extending the Data Center Transformation project completion date, keeping the outdated Madison Data Center operational longer; Postponing related IT infrastructure improvements, including modernization of the Library's other data centers, enhanced wireless services, and expanded IT Security monitoring; surge support for IT infrastructure optimization would likely need to be phased down; planning and execution of modernization efforts for major systems that support Congress and the American people would likely need to be reigned-in, including:
      - Copyright IT modernization;
      - CRS Integrated Research and Information System (IRIS);
      - NLS Infrastructure and Bard modernization;
      - Congress.gov continuous development and retirement of LIS;
      - LOC.gov continuous development; and
      - National Library Systems modernization.
- From Office of the Inspector General:
  - Eliminate audit contract funding of approximately \$200,000. This would eliminate OIG's ability to obtain IT audit specialty consulting expertise that are needed in identifying cost efficiencies in the IT and Copyright Office modernization efforts; and

- Modify hiring plans by not hiring and effectively reducing staff from 15 to 14 FTE's and reducing the rate structure in hiring plan which will result in less experienced hires.
- From Law Library:
  - Significantly reduces contractual services for collection maintenance assistance resulting in a reduction in accessioning, maintenance, preservation and inventory services for the Law collection. This adversely impacts the Law Library's ability to efficiently and effectively serve the Law collection to users;
  - Suspends reclassification of law collection materials to the Class K standard, from a generic, substandard classification standard. As a result, volumes of the Law collection will remain insufficiently classified, making them less secure, harder to locate, and take longer to serve; and
  - Reduces contractual services for digitization of collection materials such as the U.S. Serial Set, thus delaying completion of this project and limiting online availability of this collection.
- From U.S. Copyright:
  - A 9 percent cut to the BASIC appropriation and to the appropriation available for Copyright Royalty Board personnel expenses would require the cancellation or deferral of ongoing modernization activities;
  - Deferring modernization activities and/or reducing staff resources will have severe negative effects on the Office's ability to provide efficient and timely services to the public, such as registration and recordation processing times and increases in backlogs;
  - The Copyright Royalty Board appropriated personnel costs would be impacted. This could create pressure on the USCO's BASIC appropriation to maintain the minimum staffing of the CRB allowed under the Copyright Act; and
  - With the enactment of the Music Modernization Act (MMA) in October 2018, the CRB, will be required to increase workload commencing reviews of the operating budget of the Music Licensing Collective, and initiate new proceedings to determine allocation of contributions to that budget by various licensees and licensee representative groups.
- From NLS:
  - At a transformative time to continue to strategically transition into a digital future, the initiatives and projects from previous years, which would be impacted, postponed, or halted are numerous. For example, the following are modernization activities that will not be completed:
    - Pilot program for a new smart phone based player;
    - Research and development and pilot programs for next generation digital delivery services such as the smart speaker with voice control and on-demand streaming services;
    - Modernization of existing NLS data systems to interface with new digital delivery services; and
    - Impact on employees would be significant. Highly beneficial and productive morale would diminish as project development would slow or stop, resources would not be available to meet mission requirements, and patron frustration would increase as a result.
  - NLS' ability to modernize and optimize its IT services and capabilities and the congruent patron experience from those services would be severely tested;
  - A slowdown and extension of moving from physically based services, relying on hard-copy braille and physical-media-based talking books into a wireless delivery system utilizing digital braille files and optimizing the delivery and use of existing digital talking book files;
  - A halt modernization efforts to reduce costs and serve twice as many Americans who are unable to use standard print due to visual, physical or reading disabilities.
  - Will be unable to improve delivery to patrons or provide a greater selection of titles to choose from both in audio and braille formats; and
  - The most severe consequences would be felt in the elimination of funds for its two current fiscal 2020 program requests to modernizes the NLS braille and talking books programs:
    - Providing braille eReaders and replacing end-of-life-cycle digital talking book players; and
    - The modernized Braille and Audio Download (BARD) initiative will enhance service to NLS patrons by replacing the BARD web site with modernized, cloud-based, scalable, micro-service-based infrastructure to deliver

talking and braille books and magazines via the Internet as called for in the 2016 GAO-16-355 report. Funding is needed to support new positions, software development, cloud-computing expenses, and data management.

CRS REPORTS “GOING PUBLIC”

*Question.* The fiscal year 2018 Omnibus included a provision directing CRS to make all of its current and prior reports public. This is a big win for transparency, and I’m excited especially that students and researchers now have access to the high-quality products created by CRS. I’m also proud of the fact that the provision fully protected the confidential work CRS performs for Members and our staff and ensured that CRS’s mission remains as supporting the Congress.

How has the rollout gone for the reports to be available online? Were you able to meet the benchmarks we laid out in the law? Will you need to take further action in fiscal year 2019?

*Answer.* There are currently 3,648 CRS products on the public website, as of April 18, 2019. CRS has met the requirements laid out in statute and exceeded the timelines originally set out for publication.

*Question.* When do you expect that CRS will fully comply with this direction and have all reports online and accessible by the public?

*Answer.* All products required by law to be made publically available will be on the public website by September 30, 2019.

COPYRIGHT IT SYSTEM ACCOUNTABILITY

*Question.* In 2017, the Library’s Inspector General reported on the unsuccessful development of a Copyright IT system. OIG noted that Copyright expended approximately \$11.6 million; however, the audit noted that Copyright and the Library did not have a formal project cost analysis and tracking methodology at the project level. This resulted in inadequate reporting on the project’s development with Copyright unable to report whether the project was on time and within budget. Properly estimating and tracking total costs is critical to cost-benefit analysis, especially since the Library and Copyright have made IT modernization a priority, and Congress has made considerable investments for those projects.

What provisions has the Library made to improve the accounting for capitalized project development costs?

*Answer.* The Library has completely revamped how IT projects at the Library are managed and controlled since that incident. All technology activities have been centralized under the Library’s Chief Information Officer. A new IT governance model has been implemented that makes IT investment oversight a responsibility of the Library’s executive leaders. The Library is adopting Technology Business Management (TBM) to ensure that IT costs are fully transparent and aligned with the Library’s mission and vision.

To ensure direct oversight of all IT projects, a centralized, Library-wide Project Management Office (PMO) within the Office of the CIO (OCIO) has been created. The PMO enforces the Library’s project management processes and ensures that major IT projects are consistently and effectively managed. The PMO provides the CIO and OCIO senior leadership with a monthly Interim Progress Review (IPR) for all IT projects, tracking the four-pillars of project management: cost, scope, schedule, and risk.

*Question.* Is the Library able to capture and capitalize all material internal development costs (including labor)?

*Answer.* The Library recognizes the importance of being able to capture and capitalize all material internal development costs, including labor. However, the current process is not automated and requires significant manual input. The Library has completed a study on fully automating the capture of labor hours and costing. Until a tool to automate the capture and costing of labor hours is identified and implemented, the Library is committed to capturing labor hour tracking and costing for major IT investments manually.

*Question.* At any time during the course of an IT development project, can OCIO and the CFO report whether the project is on time and total costs are within budget?

*Answer.* Yes. The Library is still maturing its IT governance and finance controls, however, all chartered IT projects are managed by the PMO, and cost, scope, schedule, and risk are actively monitored.

## IT SYSTEM MODERNIZATION

*Question.* The Library has established two major IT modernization programs. One for the Library at large and one for Copyright. Congress approved \$75 million for the Copyright Modernization program to be completed over the next 2 years.

Have you established a baseline for the Library-wide IT modernization program including current costs to date, projected total and yearly modernization development costs, and project planning details including the critical path by year?

*Answer.* The Library has several major IT modernization projects either underway or in the planning phase right now.

The Library launched a 3-year Data Center Transformation project in fiscal 2018 to restructure the agency's foundational IT infrastructure. That project, which is creating a modern, scalable data network—including a new state-of-the-art data center and cloud hosting environments—to replace the outdated Madison Data Center (DC1), is a critical part of the Library's effort to stabilize and optimize information technology.

The Library has also launched two other major multi-year IT modernization efforts with Congressional support—one for the U.S. Copyright Office and one for the Congressional Research Service—both of which are off to solid starts.

Finally, the Library has two significant IT modernization efforts in planning:

1. The Library's budget proposal for fiscal 2020 requested additional funding to support a modernization program for the National Library for the Blind and Physically Handicapped.
2. The Library is in the planning stages for the next generation National Library Systems, which will provide modern tools to support access to and management of the Library's collections. The Library anticipates having an initial plan for that effort to present to the Committee for fiscal 2021.

It is important to note that once the Library's many important modernization efforts are completed, the Library will need to maintain a continuous development effort to ensure that the IT systems are kept current and that functionality is added as necessary to meet the demands of Library users—with, of course, Congress at the top of that list.

*Question.* Have the success (outcome) measures been established for each year? Will you provide those to the Committee?

*Answer.* In fiscal 2018 the Library launched the five-year Copyright IT Modernization program comprising several IT projects. The overall scope of the program will transform the Copyright Office into a modern organization better suited to meet current and emerging trends in the copyright landscape, as well as future changes to law. Leveraging current software development methodologies, Copyright applications will be incrementally developed and have ongoing sustainment & continuous development support to ensure that the Copyright Office can maintain a suite of IT services that will enhance its ability to deliver quality and scalable services. Among the initial IT projects prioritized by the Copyright Office are the Historic Public Records (HPR) Program: Virtual Card Catalog (VCC); Development of a Recordation system pilot; and User Experience Research for the next generation Enterprise Copyright System (ECS). Additionally, in late fiscal 2019 software development for the Public Records and Registration functionality are planned to commence. Beyond fiscal 2019, the ECS roadmap is targeted to deliver modernized IT systems to support other activities of the Copyright Office including Licensing Division Modernization, Copyright Division Workflow Modernization, and Historic Public Records Modernization.

The modernization effort for the IT systems that support the National Library is still in initial planning. The Library will be happy to share the plan—and related outcome measures—with the Committee as soon as possible.

## COPYRIGHT BACKLOG—IT &amp; STAFFING SOLUTIONS

*Question.* The Copyright Office has been in planning mode for several years to modernize its registration system. This is sorely needed to speed up processing times to match the influx of copyright needs due to the explosion of digital media. We provided more than \$12 million in fiscal year 2019 to finally kick off the \$54 million, 5-year effort to build this new system, and it will also finalize a separate but related project to digitize the repository system for ownership of active copyrights, since they can be transferred.

For the NextGen Registration System, what steps have you take to seek input from creative industries, and has that feedback been incorporated? How are you continuing to involve them in the process so that user needs are the main focus?

*Answer.* The Copyright Office is dedicated to involving the public in the creation of the modernized online copyright registration system, which will be a key compo-

ment of our enterprise copyright system (ECS). We understand that public input is crucial and that we must develop a system that can accommodate individuals and entities from throughout the diverse copyright community.

As detailed in my Senate testimony, the Copyright Office has engaged and informed the public in a variety of ways, and will continue to do so throughout development of the new system. To date, the Office has conducted extensive public outreach with the Library of Congress's Office of Chief Information Office (OCIO) and a contractor to initiate the design of public interfaces for the recordation and registration functions. This outreach included, among other things: (1) visiting four cities (Washington, D.C.; New York; Los Angeles; and Nashville) to conduct sixty-eight in-depth interviews with copyright registration and recordation applicants and other public stakeholders; (2) conducting an extensive online survey, which received over 10,000 responses; and (3) using this public feedback to develop preliminary wireframes for new systems that will allow ongoing user testing and further refinement of user interfaces. We will continue to engage the public on the development of the system, and will work with a cross-section of the copyright ecosystem to ensure that we are able to provide a vastly improved information technology experience. Additionally, we intend to tailor and evaluate the effectiveness of our creative community outreach efforts throughout each stage of system development, leveraging lessons learned to inform and customize subsequent efforts. At any time, the public can contact us at our dedicated modernization email address [askemo@copyright.gov](mailto:askemo@copyright.gov), which we closely monitor.

Beyond these efforts, we understand the critical importance of engaging the copyright community directly in analyzing the legal and policy aspects of modernization, including the registration and recordation processes. Our October 2018 Notice of Inquiry on Registration Modernization solicited public input on many issues, including improving registration regulations and practices, the utility of the public record, and the deposit requirements for registration. This Notice provided an opportunity for members of the public and the creative industries to provide frank commentary, and we appreciate the many comments we received. We plan to release additional, more targeted notices as appropriate, and will continue to ensure that public input on policy issues are considered in the development of the new systems.

Additionally, we are committed to making sure the public is kept informed of modernization developments. We launched a webpage solely focusing on modernization ([www.copyright.gov/copyright-modernization/](http://www.copyright.gov/copyright-modernization/)), which includes an overview of modernization issues, a year in review summary, quarterly quick fact updates, and information on our recently launched bi-monthly public webinar series that explores a variety of modernization topics and includes time for questions and answers. As mentioned in my testimony, senior Office staff have given multiple presentations that have included news on our modernization efforts, including at events such as the annual meetings of the American Intellectual Property Law Association, the American Bar Association Intellectual Property Law Section, and the Copyright Society of the USA, as well as a recent conference held at the USPTO. We are continuing to look for additional avenues to keep the public informed of our progress, and continue to prioritize public communications.

Following up on the extensive work begun on the external user experience and user-interface design, the Office is poised to begin working with a contractor on designing the internal side of the registration system. Creating a more intuitive and flexible system for staff is essential to improve efficiency and productivity. This effort will include significantly enhancing supervisory and management functionality in the new system.

*Question.* The fiscal year 2020 request also continues efforts to increase staffing to deal with the 300,000 application backlog—when do you anticipate the backlog will be fully cleared? What is the target time for turning around new registrations once your staffing efforts are complete?

*Answer.* The Copyright Office is pleased to report that we have made significant progress in reducing processing times and the number of claims on hand with the help of new initiatives and additional staffing.

Currently, the Copyright Office has 125,299 workable claims on hand as of April 6, 2019; these are claims for which we have received the application, deposit, fee, and anything else necessary to work on a claim. This number reflects the 45 percent reduction from March 2018 to March 2019 in pending workable claims, and is a nearly historic low. Additionally, we also have made major improvements in processing times, with the first half of fiscal year 2019 reflecting an average of 4 months for online claims that do not need correspondence, a reduction of 33 percent since last fiscal year for the same type of claim. These advances are the result of improved staffing levels, the use of overtime for examiners, and related initiatives detailed in my Senate testimony.

The Copyright Office staff have worked diligently to close pending claims in spite of budget and staffing pressures, increased complexity, varying types of materials at issue, and deposit requirements. For example, between 2010 and 2015, the registration program experienced a 40 percent reduction in examiners, and, due to sequestration, staff were forced to take unpaid leave for several days during 2013. The Office is required to receive a significant number of physical deposits for published works that the Library considers for its collections. These deposits require additional processing and must go through the off-site security screening required on Capitol Hill and significant handling before being delivered to Registration examiners. Timing also depends on whether or not the Office must correspond with applicants if there are inaccuracies or deficiencies with an application—and the applicant is allowed a certain amount of time to respond to the Office’s inquiries.

Moving forward, additional staffing is expected to reduce processing times even further. Modernization of the Office’s electronic system will also serve to create efficiencies and reduce processing times significantly, though timing issues relating to “best edition” physical deposits for the Library’s needs and paper applications are factors that will continue to affect processing times.

#### E-READERS FOR THE BLIND

*Question.* Expanded and enhanced services for Library users are priorities in your fiscal year 2020 budget request, with a combined increase of more than \$7 million for eReaders and talking book machines and infrastructure modernization. In 2016, legislation was enacted requiring the Library of Congress’s National Library Service to provide e-Readers directly to Americans who are blind. Digital braille devices—or “braille eReaders”—open worlds of learning to the thousands of Americans who are blind or have limited vision. Just with an eReader in their hand—as opposed to accessing bulky paper books—they can access over 400 State, national, and international newspapers through the NLS, which currently has 30,000 registered individual Braille users.

How will modernizing the NLS’ Braille and Audio Reading by Download (BARD) infrastructure meet the recommendations of the 2016 GAO report?

*Answer.* In Report 16–355, GAO wrote that “[e]ighty-five years after the program was established, NLS is providing an important service to many older and visually-disabled adults, but it is also missing opportunities to meet the needs of all groups eligible for services.” Those opportunities were two-fold: a technological deficiency (“[T]here are obstacles to the wider use of BARD among NLS’s customer base, but an NLS-provided audio player with wireless connectivity could mitigate some of these issues. Specifically, such a device would eliminate the multi-step process now required to download BARD files to a computer and then transfer them onto NLS’s audio player.”) and a regulatory impediment (“To ensure that it provides all eligible populations access to its services and that its eligibility requirements are consistent with currently accepted practices, the Library of Congress should re-examine and potentially revise its requirement that medical doctors must certify eligibility for the NLS program for those with a reading disability caused by organic dysfunction.”). Thus, modernizing BARD meets the challenge of these recommendations by both transforming NLS’ services into a 21st century digital model and by increasing the technical capacity of BARD to meet the challenge arising from an increased patronage due to the GAO-recommended easing of eligibility access for NLS services. As societal and cultural expectations increasingly rely upon and assume digital, cloud-based and micro-service capabilities, BARD’s modernization is essential to meeting the recommendations of the GAO report and to meeting the expectations of NLS patrons.

*Question.* How will upgrades to Braille eReaders and talking book machines impact the current way the Library uses them?

*Answer.* NLS is excited about the potential inherent in providing refreshable braille devices because its braille-using patrons are eager to access this user-friendly technology. Providing these braille eReaders to patrons dramatically enhances the menu of NLS services by offering a service that is much more cost-efficient and convenient. Throughout the initial piloted roll-out and utilization of braille eReaders, NLS will continue to test for quality assurance to ensure patrons have access to the most reliable machine technology. As NLS continues to receive the resources necessary for purchase, it will further expand its number of braille patrons utilizing this new device.

In terms of the digital transformation underway affecting the talking book machines, NLS will continue to distribute materials through the now-traditional method of providing digital talking book (DTB) devices through the mail service, even after incorporating the new wireless digital delivery system. As both NLS’ digital

capabilities as well as patrons' use of their own smart devices increase exponentially in years to come, it is anticipated that fewer patrons will utilize the traditional digital-talking-book methodology, lowering both NLS' costs and need to keep a high inventory of DTB machines as well as the expenditures of the U.S. Postal Service's Free Matter for the Blind Program.

*Question.* When will the full program be rolled out? How many users to you aim to serve?

*Answer.* The roll-out of the Braille eReaders will occur in phases to ensure proper quality control. NLS expects its eReader funding request for fiscal year 2020 to purchase approximately 3,500 eReaders. This allocation will build upon prior development, quality control, and pilot testing work done in fiscal years 2019 and 2020 utilizing fiscal year 2018 and fiscal year 2019 base funds for the purchase of 2,000 machines. These allocations, plus the 14,000 total purchased in fiscal years 2021–2024, will provide approximately 19,500 new devices to the estimated two-thirds of NLS' 30,000 current braille readers who will want to use the new technology and do not already have one of their own. In addition, the fiscal years 2022–2024 funding, if approved, will allow for the purchase of new talking book machines to replace machines that have reached and surpassed their life expectancy. At an estimated \$275 per unit cost, NLS will be able to purchase approximately 15,000 talking book machines. These simultaneous developments will dramatically assist NLS in continuing to provide better, more modern, service to its clientele as it transitions into a digital and wireless future state in furtherance of its 1931 mandate.

*Question.* What future investments do you anticipate NLS will need to meet these strategic goals?

*Answer.* The combined \$11.875 million requested for fiscal years 2020–2024 (\$2.375 million per year) for the purchase of braille eReaders and new talking book machines will greatly enable NLS to meet these initial strategic goals. NLS will be seeking other funding sources for the digital distribution component of this technological advancement. If it is successful, investment and resource needs beyond fiscal year 2024 will then solely come from NLS' base budget requests.

QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY  
MAKING CRS REPORTS PUBLIC

*Question.* I am proud to have championed legislation, enacted as part of the fiscal year 2018 Omnibus, making Congressional Research Service (CRS) reports available to the public. For too long, taxpayers had been funding these CRS reports—routinely relied upon by Members of Congress to inform their work and priorities—without meaningful access to them.

Please provide a comprehensive update on the Library's implementation of this legislation, detailing which CRS reports are currently available to the public, what remains to be made public, and an estimated timeline for completion.

*Answer.* There currently are 3,648 products on the public website as of April 18, 2019. The breakdown is as follows:

Product Type	Product Count
R-Series Reports	
Active R-series reports .....	2,737
Archived R-series reports .....	61
Non-R Products	
Active In Focus products .....	559
Archived In Focus products .....	2
Active "Blog" products (i.e., Insights and Legal Sidebars) .....	259
Archived "Blog" products (i.e., Insights and Legal Sidebars) ...	14
Active Testimony products .....	8
Appropriations Status Tables .....	8
Total Products .....	3,648

Prep work currently is being done on the archived R-series reports as applicable before we begin to republish them to the public website. Additionally, there are approximately 650 active non-R products remaining to be published from our backlist (and approximately 340 archived non-R products). All products required by law to be made publically available will be on the public website by September 30, 2019.

*Question.* It is my understanding that the Library is currently publishing reports only as PDF files, not as HTML or text files. In PDF format, these files can be difficult to read on mobile devices, and particularly for individuals with visual impairments. Publishing CRS reports as HTML and text files in addition to as PDF files would significantly improve the usability of these reports at a time when millions of Americans rely upon their mobile devices for information and news.

Is the Library capable of publishing all reports as HTML and text files in addition to as PDF files? What would be the additional costs and resources associated with such an effort?

*Answer.* The Library takes no position as to publishing the reports as HTML and/or text files in addition to PDF files and would follow the direction of the committee.

Pursuant to congressional direction in the Consolidated Appropriations Act, 2018 explanatory statement, CRS reports were made available to the public in a PDF format. PDF files are considered secure because they are digitally signed and cannot be changed or otherwise manipulated. It should be noted that many legislative branch agencies, including CBO, GAO, and GPO, make their reports available to the public only in digitally signed PDF. Adding additional formats at one agency may indicate a requirement that all legislative branch agencies make reports available in multiple formats, thereby indirectly increasing cost and allocation of staff resources.

From a technical standpoint, the Library would need to adjust the [crsreport.congress.gov](http://crsreport.congress.gov) site, as well as the CRS authoring and publishing (A&P) tool and [CRS.gov](http://CRS.gov) to facilitate publishing reports and other content in HTML for the public. An initial estimate suggests that work would require one FTE developer 24 weeks to complete, at a cost of \$61,000. Once developed, that A&P pipeline would support the publication of CRS products that fit current CRS standard formats. To the extent that the system would need to be adapted to facilitate the publication of non-standard CRS formats (e.g. older formats maintained in CRS X), the Library would need to conduct additional development work for each new template, with a comparable development time and cost.

*Question.* While the law directs the Library to focus on making publicly available CRS reports produced after the date of its enactment, it also encourages the Library to make “additional CRS products that are not confidential products,” such as non-confidential historic reports, available to the public. I am specifically interested in whether the Library will make public non-confidential, historic CRS reports that are already digitized within the internal CRS repository known as CRSX. When asked whether that was feasible by Congressman Mike Quigley, you wrote in response that “there are a number of considerations regarding the feasibility of migrating non-confidential CRS archived non-distributable products to the public site.”

Can you please explain what such considerations would be, and specifically what additional costs and resources would be associated with such an effort?

*Answer.* If Congress were to direct the Library to make already digitized historic CRS reports available to the public, the Library would need additional resources to implement the directive. The process used to publish current reports to [Congress.gov](http://Congress.gov) cannot be used to publish all of the historic reports. Many of the historic reports were not authored using the existing authoring and publishing tool, so CRS staff have manually created the metadata for these reports, rather than it being captured automatically. Further, since CRS will need to scan/digitize many of these reports from paper, the OCR (Optical Character Recognition) file would likely not be accurate. A new publishing process would have to be developed and implemented to ensure the historic reports are published with the requisite quality and readability levels.

The CRS X archive currently contains 28,581 reports, which fall into one of three groups based on publication year and technical characteristics. These two factors drive the level of effort to convert the document so that they are properly digitized, discoverable, and readable. Conversion of the current CRSX archive over a 1 year period would require about 40 FTE of contract support at an estimated cost of

\$2,400,000. Alternatively, CRS may be able to absorb the annual costs of document conversion if allowed a three year window to complete the project.

	Group 1	Group 2	Group 3
No. of products .....	1,776	6,137	20,660
Publication year .....	2010–2018	2000–2009	1914–1999
Level of Effort/report .....	1 hour	1.75 hours	3 hours
Characteristics of reports .....	<ul style="list-style-type: none"> <li>—Digitally produced</li> <li>—PDF versions available</li> <li>—Metadata automatically extracted from report to CRSX</li> <li>—Likely to be compatible with workflow to push to public site</li> </ul>	<ul style="list-style-type: none"> <li>—Digitally produced</li> <li>—PDF may need verification for OCR accuracy</li> <li>—May have incomplete metadata</li> </ul>	<ul style="list-style-type: none"> <li>—Produced on typewriters, word processors, or files no longer available</li> <li>—Digitized into PDF from paper copies</li> <li>—PDF may need verification for OCR accuracy</li> <li>—May have incomplete metadata in CRSX</li> </ul>

Finally, this would not be a merely technical endeavor, there will be a level of review and judgment required to ensure that only products that were available for general congressional distribution are published (versus confidential responses to congressional requests). Not all historic documents were clearly marked at their time of creation.

#### NATIONAL PRESERVATION PROGRAMS

*Question.* In Senate Report 115–274, accompanying Public Law 115–244, Congress stated that it “expects the Library” to provide support to “the National Film Preservation Program and the National Sound Recording Preservation Program, including the federally chartered National Film and National Recording Preservation Foundations” in order to “help preserve historical and cultural artifacts that would otherwise disappear or be destroyed over time.”

Can you please describe in detail what kind of support the Library is providing to these preservation programs and foundations? What further support could the Library provide with additional resources?

*Answer.* As of fiscal 2019, the Library currently provides to the Preservation Boards and Foundations the maximum amounts allowed by law.

#### *Background/Additional Information:*

1. Film and Recording Preservation Boards
  - a. National Film Preservation Board (NFPB):  
Congress has authorized an amount NTE \$250,000 per fiscal year. The Library has provided \$250,000 to the Board each year since its inception in 1988. (2 USC, Chapter 5, Section 179v)
  - b. National Recording Preservation Board (NRPB):  
Congress has authorized an amount NTE \$250,000 per fiscal year. The Library has provided \$250,000 to the Board each year since its inception in 2000. (2 USC, Chapter 27, Subchapter 4, Section 1743)
2. Film and Recorded Sound Preservation Foundations
  - a. National Film Preservation Foundation (NFPF). (36 USC, Subtitle II, Part B, Chapter 1517, Section 151711)  
Since its establishment, the NFPF has proved quite successful in raising outside support (cash and preservation in-kind services) and the Library in return has provided matching funds as provided by the legislation. Through fiscal year 2018, the Foundation had raised approximately \$15.1 million (13.7 million of that in cash), while the Library distributed to the Foundation \$8.4 million in matching funds. In fiscal year 2019, Congress appropriated the additional \$470,000 so beginning this fiscal year and going forward the Library will provide \$1 million to the Foundation each year in matching funds as long as the NFPF meets the legislative requirement. \$1 million is the maximum amount Congress has authorized.
  - b. National Recording Preservation Foundation (NRPF): (36 USC, Subtitle II, Part B, Chapter 1524, Section 152411)  
The NRPF regrettably has not enjoyed great success in fund-raising. Through fiscal year 2018, the Recording Foundation has raised approximately \$400,000 in outside support (300,000 of that in cash including a \$250,000 donation from musician Jack White in 2013). Given these fund-

raising struggles, the Library has not provided matching funds to the Foundation thus far, but the Library has provided approximately \$330,000 in Recording Board funds to the Foundation under contracts in an attempt to jump start the Foundations' fund-raising efforts and to allow some grants to be provided to the recorded sound community. Like the NFPF, the Recording Foundation is authorized to receive up to \$1 million in matching funds each year.

Funding provided by Congress through the years has been extremely helpful and produced some remarkable successes, albeit on a boutique scale. Though much appreciated, the present funding levels still fall short of what is needed to preserve our country's audio-visual heritage held at archives, libraries, historical societies and museums throughout the United States. We have provided a slate of potential projects, focusing on items of substantial impact which can be scaled up or down depending on the amount of additional funding, and are consistent with the recommendations in the National Film and Recording Preservation Plans maintained and implemented by the Library of Congress.

*Film Board:*

- Preserve additional non-commercial NFR titles
- Fund scholarships/internships to increase diversity
- Work with technology partners to develop and fund cataloging and preservation tools to explore additional ways new technologies might enhance current practices.

*Recording Board:*

- Mass nationwide scanning project of 78rpm recordings
- Fund development of an audio digitization robot to preserve endangered formats such as audio cassettes and lacquer discs
- Rescue abandoned radio collections identified by the Board's Radio Preservation task force as being in danger of decay or disposal.

*Film Foundation:*

- Increase scope of preservation grants
- Revisit legacy digitization
- Expand international partnerships to return U.S. films
- Increase digital access and streaming capabilities at NFPF web site
- Touring programs of films preserved by NFPF
- Create new preservation grant program to fund preservation of films now entering the public domain each year (works from 1923 on)

*Recording Foundation:*

- Increase audio preservation grants significantly
- Award grants to enhance web capabilities of individual archives

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QUESTIONS SUBMITTED TO MS. CHRISTINE MERDON

QUESTIONS SUBMITTED BY SENATOR CHRISTOPHER MURPHY

LIBRARY VISITOR'S EXPERIENCE

Ms. Merdon, I share in the AOC and Library's excitement about the Visitor's Experience project. In total, I understand the project is expected to cost \$60 million, and your vision is to share those expenses in a public/private partnership.

In the Fiscal Year 2018 Omnibus Act, we provided \$2 million for the Library and AOC to get started on planning right away and an additional \$8 million that will be "unlocked" once we review the Master Spend plan. The Library's fiscal year 2020 request also includes an additional \$10 million for the project.

I understand some alterations to the Library's facilities are envisioned in this project.

*Question 1.* What portion of the fiscal year 2019 funding is designated for the Architect of the Capitol? Have those funds been transferred to the AOC?

*Answer.* To date, no funding has been transferred to the AOC for this effort. After the Library receives permission to access the remaining \$8 million in fiscal year 2018 funding, we expect them to transfer funds for the AOC to complete design work.

*Question 2.* What portion of the \$10 million requested in fiscal year 2020 will be for AOC activities related to the Visitor's Experience project? How do you foresee

those funds being spent, based on the conversations the AOC has had with the Library and in development of the Master Plan?

*Answer.* We anticipate the LOC will be transferring funds to the AOC for the construction work associated with the Treasures Gallery. The exact amount to be transferred will be determined when the Treasures Gallery Design work is complete.

*Question 3.* What out-year funding costs do you anticipate the AOC may need to carry out this project?

*Answer.* Our current arrangement with the Library is that they will transfer all the necessary funding to support the design and construction requirements for this project. This will include funding for a project-funded team to manage the design and construction efforts.

*Question 4.* How are you working with the Library on the details of the project?

*Answer.* We are active partners with the Library, supporting the development of the master plan scope. Currently we are supporting the plan development to include feasibility review and working with the Library's cost estimating team to identify all the building-specific design and construction requirements.

*Question 5.* Do you expect the vision is feasible given the historic and structural restrictions in the Jefferson building?

*Answer.* The AOC endeavors to support the Library as it develops its vision to enhance the visitor experience. Aspects of the Library's vision may be feasible, but it has many components for which few details are defined and those components require further development to determine if they are feasible within the parameters established in our Preservation Policy. The AOC's Preservation Policy defines the parameters by which the emerging initiatives and priorities can be accommodated in our historic buildings in a manner that minimizes facility alterations without permanent loss or damage to the historic fabric. As with any alteration of historic buildings, we can expect challenges as we develop a greater understanding of the impact on the historic fabric of the building and work together to develop solutions that eliminate those impacts. As the design develops, we are committed to work with the Library to provide the guidance necessary to achieve an enhanced visitor experience that is aligned with our Preservation Policy and our joint stewardship responsibility for the Jefferson Building.

*Question 6.* How have plans for the building changed as you've moved along in the design process?

*Answer.* The master planning process has identified several office, support and library service areas that will be converted to visitor centric spaces. The most significant changes in the current plan involve the creation of an orientation experience and education area on the ground floor level of the Thomas Jefferson Building.

*Question 7.* Are there other alterations needed for the Jefferson Building to accommodate more visitors?

*Answer.* The AOC will continue to request congressional support for the four previously identified exit stair towers to resolve our active Office of Congressional Workplace Rights citation related to inadequate building egress. The first of these four stairs was funded in fiscal year 2018. The Visitor's Experience Project is wholly required to make the appropriate code accommodations for any increased visitation. We will work to accommodate any systems or site changes the Visitor's Experience.

#### STORAGE MODULES

The Fiscal Year 2018 Omnibus Act provided a considerable investment of \$45 million for a "double-wide" storage facility. This will be the 6th and 7th installments in a long-term project to relieve the Library's storage problems and to provide long-term, climate-controlled storage for our most precious collections.

*Question 1.* Is the previous module finally complete?

*Answer.* Module 5 was completed in October 2017 and is fully operational.

*Question 2.* Where are you in terms of the timeline for construction of the new \$45 million "double" module?

*Answer.* Module 6 was awarded for construction in December 2018. Construction completion is planned for June 2021.

*Question 3.* Where in the process is Module 7 and what can we expect in fiscal year 2020 and beyond?

*Answer.* The design of Module 7 is complete. Target construction budget request is in fiscal year 2021.

## IMPACTS OF NO FISCAL YEAR 2020 BUDGET AGREEMENT/POST-SEQUESTER LEVELS

Under the Budget Control Act, non-defense discretionary funding faces a cut of 9 percent in fiscal year 2020. Without a new budget agreement in place that lifts caps, we could see the legislative branch cut by at least \$450 million if cuts are applied across-the-board. This would have a devastating impact on the work we've done in recent years to restore Library and AOC workforces, modernize IT systems, and chip away at backlogs.

*Question 1.* Please describe for me how such cuts would impact your agency.

*Answer.* The AOC will significantly reduce or suspend most employee training, reduce or eliminate sidewalk repair around the Capitol campus, reduce landscape maintenance and beautification as well as reduce routine maintenance and services at the expense of inflationary contract and lease increases and reduce preventative maintenance on non-critical systems. The AOC will also reduce contract pest control and furniture repair services as well as medical evaluation testing and environmental surveys, and support to human capital programs and IT services designed to secure our network from cyber intrusion. In addition, the CVC would reduce their services from 6 days per week to 5.

The AOC's ability to execute requested projects will also be reduced which will increase the significant backlog of deferred facility maintenance.

*Question 2a.* What initiatives or projects from previous years would be postponed or halt?

*Answer.* Ongoing projects funded with prior-year funds will continue.

*Question 2b.* What would be the impact on your employees?

*Answer.* At the fiscal year 2019 annualized continuing resolution level, sequestration has the potential to reduce the AOCs workforce by approximately –205 FTE from the fiscal year 2019 Enacted level, and –245 below the fiscal year 2020 required staffing level. Losses in staffing will decrease all aspects of AOC services to our customers including electrical, plumbing and paint facility shops, office cleaning and visitor services, facility condition assessments, project planning and management, construction management and inspection.

In order to achieve required savings, the AOC will implement a hiring freeze, and freeze pay at fiscal year 2019 levels. However, at the AOC's average annual attrition rate, the AOC will also need to furlough all remaining employees an average of –5 hours per pay period over the final 18 pay periods of the fiscal year. However, pending an enacted fiscal year 2020 budget, the AOC would work with the Congress to request approval to reprogram funds from within available appropriations in order to avoid a furlough.

A furlough will be devastating to the AOC because our craftsmen are difficult to replace if they were to leave the agency. They alone possess the knowledge, skills and abilities to preserve our Nation's historic facilities and ensure the Capitol complex retains its splendor.

*Question 3.* What is the risk to Capitol construction projects if they have to be delayed?

*Answer.* Under an fiscal year 2019 annualized continuing resolution, 24 of the AOC's requested 25 Line Item Construction Program projects will be curtailed as they will violate the prohibition on initiating "new starts" during a continuing resolution.

Delays to the AOC's requested \$237 million projects request will defer construction on the 2021 Presidential Inauguration platform. Additionally, costs to projects such as piping replacement, electrical system upgrades, HVAC system maintenance, exterior masonry, and roof improvements will increase as those projects increase in disrepair.

In addition to cost increases, deferment of these projects increases the risk of maintaining services and providing safe accommodations to our customers such as:

- Campus-wide power delivery failure
- Likelihood of interruptions to utility services delivery
- Damage to cultural and historical artifacts at the Library of Congress

Additionally, reducing our minor construction accounts will negatively impact our ability to address emerging maintenance requirements and customer-directed initiatives.

## SENATE CHILD CARE NEEDS

In recent years, the House has taken over the O'Neill building from GSA and funded \$30 million in renovations to *triple* the capacity of its child care center. I applaud these efforts—all of us here know the challenges of having young children

and incredibly busy jobs, so having closely-located child care makes a difference every day of the week.

Yet here in the Senate, our own Day Care still remains much too small to accommodate the needs of the Senate. We have just 68 slots—and only 9 for infants. And we have 100 Senator Offices and 16 Standing Committees. That's far too small.

Talk to nearly any parent here on the Hill and they will tell you the Senate Day Care is simply not an option due to wait times of years and years. I've heard stories of parents getting on the list when they get married—they don't even wait for a confirmed pregnancy to put down a deposit and get on the wait list.

AOC completed a study in 2010 about the facility options for expanding the Senate Day Care. Unfortunately, the Sequester followed soon after, so we were not able to act on any of the options. Our Fiscal Year 2019 Legislative Branch Act included language directing GAO to work with AOC and other partners on a study to review the current operations of the Senate Day Care.

*Question 1.* Have you begun discussions with GAO on costs associated with the operation of the center that are currently incurred by AOC? Can you give us a summary of those discussions? Of the facility options you identified in 2010, have you discussed with GAO whether any of those options are still available?

*Answer.* The AOC met with GAO on March 15, 2019, to discuss services provided to SECCC by the AOC. The meeting covered facility operations, maintenance, contracts, projects and other costs incurred by the AOC. Follow-up cost data regarding these services that the AOC provides for the facility was sent to GAO on April 5, 2019.

Regarding the options provided in 2010, our discussions with GAO focused on their task to evaluate the operational costs. We did not discuss in any detail the 2010 report. The only discussion with GAO was that the AOC was conducting a new study for expansion options.

*Question 2.* What is the status of the funding we provided to contract with an outside company to complete an assessment of the Day Care needs? How long to you anticipate a delay, given that initial bids came in well over what we appropriated?

*Answer.* The AOC has adjusted the approach to completing the assessment. A contract has been awarded to complete a standalone program of requirements. This will be used by an Architecture and Engineering (A&E) contractor to assess current AOC inventory options and real estate options on the market and only fully developing viable options. Eliminating non-viable options will allow the contractor to focus on potential sites, reducing the costs needed to complete the study.

- Program of Requirements
  - Contract awarded on April 3
  - Final Documents—June 2019
- A&E Contract
  - Contract Award—June 2019
  - Final Report—November 2019

#### GAO REPORT ON AOC'S CONSTRUCTION DIVISION

On the morning of our hearing, GAO issued a report on how AOC manages its Construction Division's workforce and workload. This report was in response to questions and concerns raised by Senator Klobuchar and me when 30 Construction Division employees were laid off in 2017, with AOC citing a lack of work for the Division. The report contains a recommendation that AOC formalize certain processes to ensure it is collecting and using the more current information available when making workforce decisions.

*Question 1.* Has AOC concurred with the recommendation and indicated that it will evaluate the need for an AOC-wide policy or process to further stabilize the volatility of the Construction Division's workload?

*Answer.* During my March 27 hearing in front of your committee, I stated that we are delighted with the GAO report on the Construction Division because its recommendation to formalize the process the Construction Division uses to collect information on the jurisdictions' construction priorities is completely aligned with the policy changes that we have in progress.

In my March 12, 2019, letter to the GAO, the AOC concurred with the GAO report's findings and recommendation. We indicated we will shortly issue a formal Planning and Project Management written process to implement the recommendation. Although not specifically addressed as a GAO recommendation, in the longer term, the AOC will evaluate the development of an AOC-wide policy and/or process for further stabilizing the volatility of the Construction Division's workload. We have already taken positive steps in this direction by inviting the Director of the

Construction Division to brief the status of the division's workload projection to the monthly Facilities Management Meeting, which is attended by each jurisdiction head or their senior representative.

*Question 2.* Can you elaborate on what you plan to do and the benefits you expect?

*Answer.* At this time, we have drafted a formal Planning and Project Management written process which (1) directs monthly Construction Division data calls to the jurisdictions to update and confirm information (scope, timing, priority) on future notional and potential projects, (2) directs a monthly follow-on meeting between the Construction Division project data manager and a jurisdiction representative to review and validate this information, and (3) directs the Director of the Construction Division to brief and discuss the Construction Division's workload at an AOC-wide forum on a monthly basis to ensure executive engagement. Please note, this is all in addition to numerous existing meetings between the Construction Division and jurisdictions where they discuss ongoing and upcoming construction efforts. The activities outlined by the written process, and the focus and intent of the GAO recommendation, are primarily directed toward collecting information on priorities and requirements regarding future notional and potential work for the purpose of being able to project the Construction Division's workload.

As noted above, the AOC will evaluate the development of an AOC-wide policy and/or process for further stabilizing the volatility of the Construction Division's workload.

The primary benefits we expect to achieve are increased AOC executive-level awareness and engagement with regard to Construction Division workload issues and better priority and requirements data for the Construction Division to be able to project and manage workload.

*Question 3.* AOC has established a steering committee, which includes representatives from the jurisdictions, to determine and monitor the Construction Division's indirect rate that it charges for its projects. The committee intends to monitor and may adjust the rate throughout the year. How is this working and do you foresee adjusting the rate this year? If so, elaborate on the reasons and expected magnitude of the change.

*Answer.* Prior to the beginning of each fiscal year, the steering committee reviews the estimated indirect rate and associated Construction Division spending estimates. The steering committee also oversees the distribution of actual indirect costs incurred throughout the execution year.

The steering committee met in September 2018 to review and approve the estimated indirect rate for fiscal year 2019. The AOC will convene the next steering committee meeting in May to review updated indirect cost distributions and begin to prepare for end-of-year cost distributions. The Construction Division received positive feedback from jurisdiction customers on the transparency, coordination and precision provided by this new approach.

We do not anticipate the need to change the rate during fiscal year 2019.

#### BALANCING HISTORIC PRESERVATION NEEDS WITH CAMPUS SECURITY

The AOC's fiscal year 2020 construction request includes a wide range of projects, from historic preservation to security and infrastructure enhancements. A concern I hear from Senators, staff, and other members of the Capitol community is how we strike a balance between maintaining the iconic historic nature of these buildings, but ensure the campus is safe, not just on the perimeters but also within the buildings themselves.

*Question 1.* Can you give us some examples of AOC having to balance historic preservation with security needs on campus?

*Answer.* Our Preservation Policy and Standards require that additions, alterations or related new construction not destroy historic materials, features or spatial relationships and be reversible to the greatest extent possible. Any new work will be differentiated, upon close inspection, from old and will be compatible with the historic materials, features, size, scale proportions and massing.

AOC Design Services and the AOC historic preservation officer work with our Office of Security Programs and U.S. Capitol Police to accommodate emerging security requirements while complying with our preservation standards. Examples of recent successful installations include:

—*Enhanced Surveillance Capability for the Capitol West Terraces and Lawn:* Working jointly with security personnel to understand the camera views required, the AOC designed a solution that incorporated the new cameras on the terrace balustrade lampposts. The original Olmsted Terrace lampposts were restored and the lantern tops were replaced to further conceal the added camera

poles. Additionally, new cameras were installed using the design of the 19th century Olmsted lampposts and lantern tops to house and slightly screen the new cameras.

—*U.S. Capitol Roof Cameras*: Additional, smaller cameras were mounted on the U.S. Capitol roof with custom-designed brackets that mounted between the roof balustrades. They required no anchors in the historic stone and the smaller camera size minimizes their visibility.

—*Security Separation for Visitor Screening*: The AOC worked with the security team on the installation of new ballistic entrance doors and screening vestibule at the Cannon House Office Building Rotunda by maximizing the use of the existing masonry bearing walls for the screening enclosures and modeling the new wood clad steel and glass doors after the historic wooden doors. Security requirements were achieved while reducing the impact on the appearance from the exterior of the Cannon Building or the Rotunda. Rerouting visitor circulation through a side room required a new opening through a plastered masonry wall into the Rotunda which was positioned to align with the interior arcade to blend this new passageway to the architecture of the Rotunda.

—*Ballistic Entry Doors for the Dirksen Senate Office Building*: The security team identified a need to improve the security performance of the Dirksen Building by adding new ballistic entry doors on the Constitution Avenue entrance. From a preservation perspective, it was not possible to accommodate that requirement in the ornamental metal and glass entrance of the building. We recommended that the interior vestibule doorway be replaced to meet the security requirement. The new ballistic doors at the Dirksen south entrance retained the visual appearance of the original doorway by replicating the original frame sizes, glass area and molding profiles. The new steel doors were clad with bronze to mimic the original satin bronze door finish. The original doors were retained and stored.

—*Blast Windows and Doors for U.S. Capitol, Cannon, Dirksen, Russell, Longworth and Rayburn Buildings*: The requirement was to adjust the proposed frame dimensions, profiles and glass sizes to minimize the visibility of new blast windows and doors. On larger windows such as at the Dirksen and Rayburn Buildings, it was a challenge to accommodate the blast requirement, but we were able to insert structural mullions that aligned with architectural features of the existing monumental openings that allowed the blast design requirements to be met while minimizing the effect on the appearance of the buildings both from the street level and from the interior offices.

*Question 2.* How does the need to weigh both of these concerns affect the maintenance backlog?

*Answer.* The maintenance backlog is defined as deferred maintenance and capital renewal that is expected to become deferred maintenance in a 5-year period. Deferred maintenance is work that is past due often resulting in failure or partial failure of a system. Capital renewal is work anticipated to take place prior to its useful life. Most security needs on campus involve additional or updated equipment and new security requirements. This type of work is generally considered capital improvements and is not part of our maintenance backlog; although, there are occasions when a security need is addressed in a historically sensitive manner and also addresses a maintenance backlog item.

#### SUBCOMMITTEE RECESS

Senator HYDE-SMITH. The next hearing of the subcommittee will be held on Wednesday, April 3, at 3:00 p.m., at Dirksen 124, when we will hear the testimony from the Capitol Police and the Senate Sergeant at Arms regarding their fiscal budget of 2020 request. Until then, the subcommittee stands adjourned.

[Whereupon, at 4:13 p.m., Wednesday, March 27, the subcommittee was recessed, to reconvene subject to the call of the Chair.]